
PROVIDING FOR FURTHER CONSIDERATION OF THE BILL (H.R. 1540) TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEAR 2012 FOR MILITARY ACTIVITIES OF THE DEPARTMENT OF DEFENSE AND FOR MILITARY CONSTRUCTION, TO PRESCRIBE MILITARY PERSONNEL STRENGTHS FOR FISCAL YEAR 2012, AND FOR OTHER PURPOSES.

May 24, 2011.—Referred to the House Calendar and ordered to be printed.

MR. BISHOP (UT), from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res.____]

The Committee on Rules, having had under consideration House Resolution____, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for further consideration of H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012, under a structured rule. No further general debate shall be in order. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The resolution waives all points of order against the committee amendment in the nature of a substitute. The resolution further makes in order only those amendments printed in this report and amendments en bloc described in section 3 of the resolution. The amendments made in order may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments

printed in this report or against amendments en bloc described in section 3 of this resolution are waived. Section 3 of the resolution provides that the chairman of the Committee on Armed Services or his designee may offer amendments en bloc consisting of those amendments printed in this report and not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The original proponent of an amendment included in an amendment en bloc may insert a statement in the *Congressional Record* immediately before the disposition of such amendment en bloc. Finally, the resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The resolution waives all points of order against the committee amendment in the nature of a substitute. The waiver includes a waiver of Clause 4 of Rule XXI, which prohibits reporting a bill or joint resolution carrying an appropriation from a committee not having jurisdiction to report an appropriation. Section 363 of the bill includes language regarding deposit of reimbursed funds under Reciprocal Fire Protection Agreements, which constitutes an appropriation; therefore, this waiver is necessary.

The waiver also includes a waiver of Section 303 of the Congressional Budget Act of 1974, which prohibits the consideration of legislation providing new budget authority, changes in revenues, changes in public debt, new entitlement authority, or new credit authority for a fiscal year until the budget resolution for that year has been agreed to. While the House has adopted, H. Con. Res. 34, the Senate has failed to act on a budget resolution and therefore this waiver is necessary.

Although the resolution waives all points of order against amendments printed in this report or against amendments en bloc described in section 3 of the resolution, the Committee is not aware of any points of order against such amendments. The waivers of all points of order are prophylactic.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Record Vote No. 98

Motion by Ms. Slaughter to amend the rule to make in order and provide the appropriate waivers for the following amendments to be separately considered: Amendment #13, offered by Rep. Garamendi (CA), Rep. Rangel (NY), Rep. Clarke (NY), and Rep. Welch (VT), which would limit funds made available for military operations in Afghanistan for the purposes of

counter-terrorism operations, and require the Secretary of Defense to enforce a significant and swift drawdown of United States Armed Forces from Afghanistan; Amendment #168, offered by Rep. Lee (CA), which would restrict spending to withdrawing Armed Forces from Afghanistan in a safe and orderly fashion; Amendment #170, offered by Rep. Lee (CA), which would call on President Obama to commit to a significant and sizeable reduction of troop levels in Afghanistan no later than July 31, 2011; Amendment #161, offered by Rep. Tierney (MA), which would require the Department of Defense to submit to Congress a report on the effects of carrying out a United States strategy to provide counterterrorism assistance to Afghanistan and to rely on the international donor community to provide development assistance and other related assistance to Afghanistan; and Amendment #172, offered by Rep. Tierney (MA), which would extend to the end of FY 2012 the requirement that the Secretary of Defense annually submit to the appropriate congressional committees a report on a long-term detailed plan for sustaining the Afghanistan National Army (ANA) and the Afghanistan National Police (ANP) of the Afghanistan National Security Forces (ANSF) and would also add a requirement that the report include metrics that evaluate the value and utility of ANSF development activities at the program level and that ties such activities to long-term strategic objectives. Defeated: 4-8

Majority Members	Vote	Minority Members	Vote
Ms. Foxx.....	Nay	Ms. Slaughter.....	Yea
Mr. Bishop of Utah.....	Nay	Mr. McGovern.....	Yea
Mr. Woodall.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Nugent.....	Nay	Mr. Polis.....	Yea
Mr. Scott of South Carolina...	Nay		
Mr. Webster.....	Nay		
Mr. Reed.....	Nay		
Mr. Dreier, Chairman.....	Nay		

SUMMARY OF AMENDMENTS MADE IN ORDER

1. Wittman (VA): Would allow the Secretary of the Navy to enter into multiyear contracts for the start of major construction of the Ford-class aircraft carriers designated CVN 79 and CVN 80 and for the construction of major components, modules, or other structures related to such carriers subject to appropriations. Allows the Secretary of the Navy to enter into a contract for the construction of FORD Class Carriers CVN 79 and CVN 80 to be funded on a five year centers. (10 minutes)
2. Woolsey (CA): Would eliminate the availability of funds for procurement of the Navy and Air Force V-22 Osprey aircraft. (10 minutes)
3. Tonko (NY): Would encourage the Medical Research program to use RNA technology when conducting research for breast and prostate cancer, battlefield infectious diseases, and rare diseases. (10 minutes)
4. Hayworth (NY): Would express the sense of Congress that active matrix organic light emitting diode (OLED) technology displays are an integral factor in reducing the size, weight, and energy consumption of both dismounted and mounted system of the Armed Forces, and that OLED technology is a Defense-critical manufacturing capability. (10 minutes)
5. Schiff (CA): Would require the Secretary of Defense to submit health assessment reports to the Committees on Armed Services of the Senate and House of Representatives when waste is disposed of in open-air burn pits. Each report will include: description of short and long term health risks; methodology used to determine the health risks; and the assessment of the operational and health risks when making the determination to continue the use of open-air burn pits for waste disposal. (10 minutes)
6. Carter (TX): Would expand existing military whistleblower protections, from retaliatory personnel actions, to include communications by Armed Forces Members of ideologically based threats or actions of another Member that the reporting Member reasonably believes could be counterproductive or detrimental to United States interests or security. (10 minutes)
7. Miller, Candice (MI), Rahall (WV): Would designate the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff. (10 minutes)
8. Schock (IL): Would allow a service member with a minor dependent (child under the age of 19) to request a deferment of a deployment to a combat zone if their spouse is currently deployed to a combat zone. (10 minutes)
9. Baca (CA): Would direct the Secretary of Defense to coordinate with each military department to enhance current suicide prevention information sharing services for members of the Armed Forces. Coordinated efforts would occur at various stages of training from their initial enlistment or appointment through their final retirement or separation. (10 minutes)

10. Cohen (TN): Would add the text of HR 1046, the honor the written intent of our servicemember heroes (HONOR the WISH) Act, to the bill. Would remove those limitations to allow servicemembers more freedom when making this very personal decision. (10 minutes)
11. Becerra (CA): Would provide funding for the United States Military Academy, United States Naval Academy, and the United States Air Force Academy for diversity recruitment activities. (10 minutes)
12. Hunter (CA): Would create a five-year pilot program to provide opportunity scholarships to dependent children with special education needs. Opportunity scholarships are set at \$7,500 a year and would be available to approximately 250 children under the pilot program for the purpose of attending a private, public or charter school of choice. The Department of Defense would administer the program, in coordination with the Secretary of Education. (10 minutes)
13. McNerney (CA): Would express the Sense of Congress that the Secretary of Defense should work with the Consumer Financial Protection Bureau to ensure coordination with the Office of Service Member Affairs to provide financial counseling for service members and their families. (10 minutes)
14. McNerney (CA), Rahall (WV), Young, Don (AK): Would strike and replaces section 591 of the bill, which makes it more difficult for Guard and Reserve components to engage in military training missions that also provide assistance to local communities. Would increase to \$20 million the amount that can be obligated for civil-military training operations. (10 minutes)
15. King, Peter (NY): Would direct the Secretary of Defense to provide for a program under which members of the Armed Forces of the United States on active duty and serving in Iraq or Afghanistan or hospitalized at a facility under the jurisdiction of the Armed Forces of the United States as a result of a disease or injury incurred as a result of service in Iraq or Afghanistan would receive one-free postal voucher per month to be transferred to loved ones to send packages to the soldiers at no cost. (10 minutes)
16. Ruppersberger (MD): Would authorize the Secretary of Defense to extend United States Central Command Rest and Recuperation benefits to U.S. Armed Forces assigned to the Egypt Multi-National Force and Observers Mission. (10 minutes)
17. Carter (TX): Would deem Members of the Armed Forces, and DoD civilian employees who were killed or wounded in the November 5th, 2009 Fort Hood attack to have been killed or wounded in a combat zone as the result of an action of an enemy of the United States. This makes such victims eligible for combat-related benefits, compensations, and awards with the exception of any member of the Armed Forces whose death or injury was the result of willful misconduct. (10 minutes)
18. Boswell (IA): Would grant the Secretary of Defense the discretion to also use funds retained in Section 646 for substance abuse prevention programs provided to the military community surrounding the commissary store where the alcoholic and tobacco products are purchased while ensuring that the enhanced commissary stores receive necessary funds. (10 minutes)

19. Carson (IN): Would direct the Department of Defense to provide mental health assessments to service members during deployment. When possible, these assessments would include review of all past health records originated by the Department of Defense and the Department of Veterans Affairs. (10 minutes)
20. Boswell (IA): Would require DoD and VA to conduct a joint study on the incident rate of breast cancer of service members who have deployed to Iraq and Afghanistan under operation Iraqi Freedom and Operation Enduring Freedom. Studies have indicated that breast cancer is more common among recently deployed service members than amongst the general population, and similar legislation has been supported by both the Veterans of Foreign Wars (VFW) and the Iraq and Afghanistan Veterans of America (IAVA). (10 minutes)
21. Sessions (TX): Would create a pilot program for treatment outside of military facilities for members of the armed forces and veterans affected by traumatic brain injury and post-traumatic stress disorder (10 minutes)
22. Pascrell (NJ), Platts (PA): Would recognize a February GAO report on the weakness of the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury (DCoE) and its poor management, this amendment requires the Department of Defense to develop a plan to transfer DCOE moved to one of the services in order to be most effectively managed. (10 minutes)
23. Pascrell (NJ), Platts (PA): Would require the Defense Department to report to Congress on their plans to identify, refer, and treat service members with possible traumatic brain injuries who may have slipped through the cracks prior to the June 2010 policy. (10 minutes)
24. Sarbanes (MD), Hanabusa (HI), Langevin (RI), Loebsack (IA), Reyes (TX): Would strike Section 937 of the bill relating to Modification of Temporary Suspension of Public-Private Competitions for Conversion of Department of Defense Functions to Contractor Performance. (10 minutes)
25. Murphy, Christopher (CT): Would give manufacturers the opportunity to provide information to DoD regarding how their bid for a contract will affect domestic employment. It allows DoD to take this information into consideration, but does not mandate that DoD consider this information when awarding the contract. (10 minutes)
26. Maloney (NY): Would require public disclosure of information submitted under Section 847 of this act. (10 minutes)
27. Cole (OK): Would preclude an executive agency from requiring an entity submitting an offer for a Federal contract to disclose political contributions as a condition of participation. (10 minutes)
28. Garamendi, John (CA): Would require the Secretary to ensure that each contractor of the Department of Defense performing a prime contract at a military installation in the United States to set aside 40 percent, by dollar value, of its subcontracting work under the contract for local qualified subcontractors. For purposes of the preceding sentence, a subcontractor shall be considered local if its headquarters is within 60 miles of the military installation. (10 minutes)
29. Waters (CA): Would provide a preference for potential DOD contractors

that carry out certain investment and philanthropic activities to bolster education and training in science, technology, engineering, and mathematics (STEM) disciplines. Would also require the Government Accountability Office (GAO) to conduct a study of the implementation of the DOD's current programs for providing assistance to certain educational institutions. The amendment does not create a quota or establish hard-line criteria for awarding contracts – these activities will be one of many criteria DOD can consider in awarding contracts. (10 minutes)

30. Himes (CT): Would require any savings as a result of shifting to civilian employees from contractors within the Department of Defense be directed towards deficit reduction. (10 minutes)
31. Jackson Lee (TX): Would require the Secretary of Defense, prior to awarding of defense contracts to private contractors, to conduct an outreach program to benefit minority and women-owned businesses. (10 minutes)
32. Andrews (NJ): Would temporarily suspend the implementation and enforcement of workforce management and sourcing policies pursuant to the DOD's "efficiency initiative." (10 minutes)
33. Lee, Barbara (CA), Stark (CA): Would return Defense Department spending to 2008 level, with exemptions for personnel and health accounts. (10 minutes)
34. Hayworth (NY): Would add a Sense of Congress that the Department of Defense shall not convert from private sector to public sector performance any functions or positions that are not inherently governmental in nature. (10 minutes)
35. Cuellar (TX): Would express the sense of Congress that the Department of Defense should continue to share intelligence and technology with the Department of Homeland Security to address national security threats on the southwest border from transnational criminal organizations, including the testing on the border of surveillance technologies being considered for combat operations, and directs the Department of Defense to brief Congress on programs to build Mexico's capacity to combat transnational criminal organizations. (10 minutes)
36. Hunter (CA): Would encourage the Secretary of the Navy to name the next available ship after Marine Corps Sergeant Rafael Peralta. Sergeant Peralta, who grew up in Southeast San Diego, was nominated for the Medal of Honor for smothering a grenade with his body during combat in Fallujah, Iraq. He was posthumously awarded the Navy Cross instead. A team of specialists, which included pathologists and other experts, conducted an investigation at the direction of the Secretary of Defense and determined that Peralta did not consciously pull the grenade into his body. This conclusion contradicts the eyewitness accounts of the Marines fighting alongside Peralta, as well as the recommendation put forward by Marine Corps leadership. There have been 11 instances, going back to 1989, where Congress has included in legislation that was signed into law how a Navy ship should be named.
(10 minutes)
37. Richmond (LA): Would prevent the payment of certain incentives with

respect to a Navy shipyard in Avondale, Louisiana, saving the Department of Defense up to \$310 million. (10 minutes)

38. Mica (FL): Would require that the rules of engagement allow any military service personnel assigned to duty in a designated hostile fire area to have rules of engagement that fully protects their right to proactively defend themselves from hostile actions. (10 minutes)
39. Flake, Jeff (AZ): Would add a Sense of Congress indicating that the deployment of National Guard personnel along the southwestern border should continue through the end of fiscal year 2011. (10 minutes)
40. Flake, Jeff (AZ): Would repeal the establishment of the National Drug Intelligence Center. (10 minutes)
41. Schakowsky (IL): Would freeze Department of Defense funding at current levels until the Pentagon can successfully pass an audit. The amendment contains a national security waiver and exceptions for overseas contingency operations, defense personnel, and wounded warrior accounts. (10 minutes)
42. Smith, Adam (WA): Would amend Section 1039 to allow transfer of detainees to the US to testify in federal court. Would strike language barring transfer of detainees held abroad to the US. Would require certification by the Attorney General prior to transfer. (10 minutes)
43. Buchanan (FL): Would require all foreign terrorists, with links to terrorist networks, who attack the United States or the Government be considered enemy combatants to be tried by military tribunals, not in the civilian court system. (10 minutes)
44. Hanabusa (HI): Would limit past, present, and future detainees from rights afforded under Compact of Free Association (COFA). Multiple GTMO detainees have or will be repatriated to Palau and with this they possess unrestricted access to the United States to study, work, and reside as "habitual residents" under the rights granted to them under COFA. (10 minutes)
45. Hanabusa (HI): Would direct the Secretary of Defense and the OMB to identify programs within the DoD budget that are ineffective, redundant or unused. (10 minutes)
46. Tierney (MA): Would officially recognize the City of Salem, Massachusetts, as the birthplace of the National Guard of the United States. (10 minutes)
47. Maloney (NY): Would clarify that the exemption from Freedom of Information Act for Data Files of the Military Flight Operations Quality Assurance Systems of the Military Departments is for "information contained in data files of the military flight operations quality assurance system of a military department that would reveal flight patterns or tactical techniques or tactical procedures from disclosure under section." (10 minutes)
48. Mack (FL), Bilirakis (FL): Would make changes to the language of the Sunken Military Craft Act of H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012. Would clarify the language of the Sunken Military Craft Act to restore its original intent, and would specify that a sunken military craft would be defined as a vessel only

when on military noncommercial service when it sank. (10 minutes)

49. Langevin (RI): Would coordinate federal information security policy through the creation of a National Office for Cyberspace, updating information security management practices, and establishing measures for the protection of critical infrastructure from cyberattacks. (10 minutes)
50. Amash (MI), Lee, Barbara (CA), Conyers (MI), Jones (NC), Nadler (NY), Paul (TX): Would strike section 1034 of the bill, relating to the authorization for use of military force. (10 minutes)
51. Rogers, Mike (MI), LoBiondo (NJ): Would require the Department of Defense to repatriate, identify and honor with a military funeral the remains of 13 American Sailors killed during the First Barbary War in 1804. These Sailors are currently buried in a decaying mass grave in Tripoli, Libya. The amendment would require the Secretary to transfer and honor these remains using existing appropriations, and at the conclusion of the current NATO mission in Libya. (10 minutes)
52. Campbell (CA): Would terminate the Joint Safety Climate Assessment System of the Department of Defense. (10 minutes)
53. Campbell (CA): Would terminate the Human, Social, and Culture Behavior (HSCB) Modeling program at the Department of Defense. (10 minutes)
54. Campbell (CA): Would reduce the baseline number of civilian employees at the Department of Defense by 1% every year for the next five years. (10 minutes)
55. McGovern (MA), Amash (MI), Cicilline (RI), Jones (NC), Lewis, John (GA), Paul (TX), Welch (VT): Would require: 1) A plan and timeframe on accelerated transition of military operations to Afghan authorities; 2) A plan and timeframe on negotiations leading to a political solution and reconciliation in Afghanistan; and 3) A new National Intelligence Estimate (NIE) on al-Qaeda. The amendment would clarify that nothing in this section limits the president under existing authority to go after al-Qaeda, share intelligence, or modify military strategy and tactics while redeploying US forces under the plan/timeframe required above. (10 minutes)
56. Chaffetz (UT), Welch (VT): Would require U.S. ground troops to withdraw from Afghanistan, leaving just those who are involved in small, targeted counter-terrorism operations. The amendment would further require the Secretary of Defense to submit a withdrawal plan to Congress within 60 days of enactment. (10 minutes)
57. Davis, Susan (CA): To fence 25% of the funds made available through the Afghanistan Infrastructure Fund until the Secretary of Defense, in discussion with the Secretary of State, have determined that women are an integral part of the reconciliation process between the government of Afghanistan and the Taliban. (10 minutes)
58. Garrett (NJ): Would clarify that the United States Congress has not authorized military actions in Libya upon adoption of the National Defense Authorization Act for Fiscal Year 2012. (10 minutes)
59. Rohrabacher (CA): Would remove satellites and satellite components from the Munitions List and make them available to foreign nations.

This amendment would, however, also continue the ban on sending such items and technology to China, its allies or terrorist-supporting states as under current law. (10 minutes)

60. Polis (CO): Would reduce the amount of troops stationed in Europe to 30,000 and would cut overall end strength levels by 10,000 a year over the next five years. (10 minutes)
61. Conyers (MI), Clarke (NY), Cohen (TN), Duncan (SC), Farr (CA), Grijalva, Raul (AZ), Honda (CA), Johnson, Hank (GA), Johnson, Timothy (IL), Jones (NC), Kucinich (OH), Lee, Barbara (CA), McClintock (CA), Miller, George (CA), Stark (CA), Tonko (NY), Welch (VT), Woolsey (CA): Would prevent funds authorized in the Act from being used to deploy, establish, or maintain the presence of Members of the Armed Forces or private security contractors on the ground in Libya unless the purpose of the presence is to rescue a Member of the Armed Forces from imminent danger. (10 minutes)
62. Flake, Jeff (AZ): Would eliminate funds for the Mission Force Enhancement Transfer Fund. (10 minutes)
63. Ellison (MN): Would strike section 1604, Budget Item Relating to LHA-7 Ship Program. (10 minutes)
64. Sanchez, Loretta (CA): Would reduce the funding for Ground-based Midcourse Defense systems by \$100,000,000. (10 minutes)
65. Quigley (IL): Would reduce RDT&E by 10% throughout DOD. (10 minutes)
66. Southerland (FL): Would strike burdensome limitations on implementation of consolidation of Air and Space Operations. (10 minutes)
67. Young, Don (AK): Would require that to the maximum extent possible community housing currently located on federal land under long-term lease be utilized before it is replaced with new construction of on-base housing. (10 minutes)
68. Young, Don (AK), Bordallo (GU): Would require the Secretary of Defense to submit a report and assessment on the infrastructure needs of Department of Defense designated ports. (10 minutes)
69. Young, Don (AK), Bordallo (GU): Would authorize \$100,000,000 to be appropriated for infrastructure needs and improvements at Department of Defense designated strategic ports. (10 minutes)
70. Petri (WI): Would clarify that direct use solar energy technology is considered a renewable energy source for the purposes of the requirement that DOD obtain 25% of its facility energy from renewable sources by 2025. (10 minutes)
71. Wilson, Joe (SC): Would direct the Secretary of Energy, in coordination with the Secretary of Defense and the Administrator for Nuclear Security, to ensure the nuclear waste repository located at Yucca Mountain, Nevada, remains available for the disposal of high-level radioactive waste resulting from the activities of the DOD and the NNSA until a new location for such waste has been sited and approved. (10 minutes)
72. Davis, Susan (CA): The Secretary of the Navy shall submit a report to Congress detailing the efforts being made to establish maintenance,

repair and overhaul capability for Navy unmanned aerial systems. (10 minutes)

73. McKeon (CA): MANAGER'S AMENDMENT Would make conforming changes in the bill. (10 minutes)
74. Akin (MO): Would add a Sense of Congress supporting the establishment of long-term contracting authority for the DOD for procurement of alternative fuels. (10 minutes)
75. Braley (IA): Would require a report from the President, in consultation with the Secretaries of Defense, State and Veterans Affairs, on the long-term costs of military operations in Iraq, Afghanistan and Libya. (10 minutes)
76. Bishop, Rob (UT): Would clear title to a 2.7 acre of formerly utilized defense land in Ogden Utah which was BRAC'd in 1995 (former Defense Depot Ogden), so that the locally recognized municipal redevelopment authority may proceed to redevelop the property consistent with BRAC redevelopment authorities, and to prevent further waste and deterioration to the building located thereon. (10 minutes)
77. Bishop, Rob (UT): Would clarify certain terms in military depot statute, modify the DoD's existing reporting requirements to include the 3 previous fiscal years' record of performance at each covered military depot in a table format, and would add the Tooele Army Depot, Utah, onto the list of depots for which annual reporting is required. (10 minutes)
78. Bishop, Tim (NY): Would express the Sense of Congress urging the Department of Defense to pursue all feasible efforts to recover, identify, and return the bodies of the crew of the Navy Flying Boat George 1 from Thurston Island, Antarctica. (10 minutes)
79. Bishop, Tim (NY): Would require the Secretary of Defense to submit a report on establishing an active registry for each incidence of a member of the Armed Forces being exposed to occupational and chemical hazards, including waste disposal, during contingency operations. (10 minutes)
80. Bishop, Tim (NY): Would express the Sense of Congress regarding the efforts by the Department of Defense to keep America safe from terrorist attacks since September 11th. (10 minutes)
81. Blumenauer (OR), Schrader (OR): Would require the Secretary of Defense to notify the congressional defense committees and the Committees on the Budget, within 90 days, when entering into or modifying an indemnification agreement. This reporting requirement would be exempt in cases deemed by the Secretary to be harmful to US national security interests; for research and development contracts; and, for Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) contracts. (10 minutes)
82. Blumenauer (OR), Connolly (VA), Capps (CA), Welch (VT), Hinchey (NY): Would modify the Department of Defense's Operational Energy Report criteria to include an evaluation by the Department of practices used in contingency operations to reduce vulnerabilities associated with fuel convoys and a heavy reliance on fossil fuels in the field. Specifically, such an evaluation would examine the implications of

improvements in structure and generator efficiency, as well as the displacement of liquid fuels with on-site renewable energy generation. (10 minutes)

83. Boren (OK), Boustany (LA): Would prohibit the unauthorized use of names and images of living and deceased military service members on merchandise and retail products without first obtaining permission from the service member or, if deceased, their family. (10 minutes)
84. Boswell (IA): Would add a Sense of Congress that a focus on alternative, self-sufficient energy sources that reduce costs in the long term should be part of consideration for contracts for logistics support of contingency operations. (10 minutes)
85. Boustany (LA), Davis, Geoff (KY): Would require the Administration to submit to the appropriate committees an implementation plan for achieving the President's "whole-of-government" integration vision and an annual update on the implementation plan. Would require a description of ongoing and future actions planned; a timeline for specific actions taken and planned to be taken; an outline of specific actions desired or required by Congress; any progress made and challenges or obstacles encountered; and other information the President deems necessary. (10 minutes)
86. Carnahan (MO): Would withhold the use of 25 percent of funds authorized for the Afghanistan Security Forces Fund, unless the Secretary of Defense certifies to Congress that the Department of Defense has sufficient management and oversight mechanisms on contracts. (10 minutes)
87. Coffman (CO): Would require the Secretary of Defense to submit a report to the congressional defense committees on the feasibility and desirability of recycling rare earth elements used by the Department of Defense. (10 minutes)
88. Coffman (CO): Would require the Secretary of Defense to submit a report to the congressional defense committees on methods to increase the efficiency of the tuition assistance program under section 2007 of title 10, United States Code. (10 minutes)
89. Connolly (VA), Moran, James (VA): Would authorize incremental funding of a military construction project for the Intelligence Dominance Center at Fort Belvoir (10 minutes)
90. Connolly (VA), Kissell, Larry (NC): Would direct the Secretary of Defense to submit a report to Congress after 180 days on the estimated cost of expanding the Homeowners Assistance Program to various servicemembers who currently are not eligible under the Permanent Change of Station category. (10 minutes)
91. Connolly (VA), Platts (PA): Would improve the performance of the Federal Acquisition Institute. (10 minutes)
92. Connolly (VA), Bilbray (CA): Would improve federal internship programs through better management and intern recruitment. (10 minutes)
93. Connolly (VA), Capps (CA), Blumenauer (OR), Hinchey (NY), Welch (VT): Would take fuel costs into account during the procurement process for tents and other structures, with the goal of reducing fuel

convoy-related deaths. (10 minutes)

94. Carson (IN): Would amend the Department of Defense pre-separation counseling program to provide discharging service members and their spouses with financial and job placement counseling. (10 minutes)
95. Courtney (CT), Petri (WI), Matsui (CA): Would transfer the Troops to Teachers program from the Department of Education to the Department of Defense. It would also make several changes to the program that would expand eligibility for service members who have served on active duty since September 11, 2001, expand the number of schools eligible to participate in the program, and create an advisory board charged with improving awareness of the program, increasing participation, and ensuring that the program meets the needs of our schools and our veterans. (10 minutes)
96. Davis, Susan (CA): Would modify a current GAO reporting requirement on TRICARE Standard and Extra from "bi-annual" (twice a year) to "biennial" (every two years). (10 minutes)
97. Dent (PA): Would require the Secretary of Defense to conduct a study to measure the domestic capacity in accordance with the Defense Acquisition Regulations System to manufacture ship shafts and other forged components used by surface and sub-surface vessels of the U.S. Navy. (10 minutes)
98. DeLauro (CT), Wolf (VA): Would broaden the definition of entities prevented from receiving Department of Defense contracts to include all entities owned or controlled by, directed by or from, operating with delegated authority from, or affiliated with the Government of the People's Republic of China. Would require the Secretary of Defense to report to the congressional defense and appropriations committees at least 15 days prior to issuing any waiver for this procurement limitation. (10 minutes)
99. Donnelly (IN): Would improve DoD oversight of private security contractors funded by the DoD by requiring a standard Quality Assurance Surveillance Plan that sets out standards for oversight of all private security contracts, and requiring DoD to designate one official in the country of operations to certify that they have reviewed and are confident of oversight plans for private security contractors. (10 minutes)
100. Edwards, Donna (MD): Would require that the effects on local businesses, neighborhoods, and local governments be included in the analysis of the impacts on transportation infrastructure related to consideration and selection of military installations for closure or realignment (BRAC). (10 minutes)
101. Ellison (MN): Would require the Secretary of Defense to update the Congressional defense committees on the United States military strategy in Afghanistan in light of the death of Osama Bin Laden. (10 minutes)
102. Flake, Jeff (AZ): Would require that the Department of Defense make public any written communications from Congress recommending that funds specified in Division D be directed towards a particular project. (10 minutes)

103. Flake, Jeff (AZ): Would require the Department of Defense to submit a report to Congress justifying the use of funds and detailing the process by which those funds were awarded, for each program element under Section 201 that received an authorization of appropriations that is more than what the President requested. (10 minutes)
104. Franks (AZ): Would transfer administrative jurisdiction, custody, and control of the Air Force Memorial from the Secretary of the Army to the Secretary of the Air Force. (10 minutes)
105. Garamendi, John, Wilson, Joe (SC): Would require the National Academy of Sciences to Review of Nuclear Waste Reprocessing and Nuclear Reactor Technology. (10 minutes)
106. Hanabusa (HI): Would allow those in the IRR to obtain health insurance through TRICARE for continuity of care. (10 minutes)
107. Hastings, Doc (WA): Would reauthorize the Department of Energy's Office of River Protection through September 30, 2019. (10 minutes)
108. Hastings, Alcee (FL): Would add Sense of the Congress language regarding Members of Congress obtaining a comprehensive understanding of the cultures, religions, ethnicities, geographies, histories and politics of nations in which the Armed Force are engaged or are proposed to engage in military action. (10 minutes)
109. Heck (NV): Would provide DoD with the option to transition to HCFC blend fire suppressant agents to replace its current agent Halon 1211, which is no longer produced and significantly more harmful to the environment. (10 minutes)
110. Inslee (WA): Would give the Department of Defense the authority to provide severely wounded or seriously ill service members, who remain on active duty, with a broad range of rehabilitative equipment including recreational sports equipment that must be specially customized to meet the needs of the service member. (10 minutes)
111. Jackson Lee (TX), Johnson, Hank (GA): Would designate a National Day of Honor for members of the Armed Forces who have served in Iraq, Afghanistan, and other combat areas. (10 minutes)
112. Jackson Lee (TX): Would express the Sense of Congress that Post Traumatic Stress Disorder is an increasing disorder affecting returning members of the Armed Forces and access to treatment for this disorder should be expanded. (10 minutes)
113. Kind (WI): Would allow the Secretary of Defense to enter into a special military cooperative agreement for the operation and maintenance of any State training center certified by the Federal Emergency Management Agency as capable of providing emergency response training. (10 minutes)
114. Kinzinger (IL): Would prohibit any funds made available by this Act from being used to research, develop, manufacture, or procure a newly designed flight suit for members of the Armed Services. (10 minutes)
115. Langevin (RI): Would prohibit the transfer of funds from National Defense Education Program K-12 education component. (10 minutes)
116. Larsen, Rick (WA): Would provide authority to the Secretary of State, with the concurrence of the Secretary of Defense, to provide assistance to foreign nations to strengthen that nation's national and regional

security interests consistent with U.S. foreign policy interests and with existing law. (10 minutes)

117. Lee, Barbara (CA): Would prohibit funding to construct permanent military bases in Iraq and Afghanistan. (10 minutes)
118. Lipinski (IL), Roskam (IL): Would express a Sense of Congress regarding the establishment of a National Korean War Museum. (10 minutes)
119. LoBiondo (NJ): Would clarify the SEAD/DEAD report required in Section 334 the FY2011 National Defense Authorization Act. (10 minutes)
120. Luetkemeyer (MO): Would direct the Secretaries of the military departments to conduct a review of military service records to determine whether certain Jewish American war veterans, including those previously awarded the Distinguished Service Cross, Navy Cross, or Air Force Cross, should be awarded the Medal of Honor. (10 minutes)
121. Maloney (NY): Would amend Sec 1091 of this act to replace "Critical Infrastructure Information" in every case with "Critical Infrastructure Security Information," add a definition of Critical Infrastructure Security Information, and add a balancing test for the public interest when regarding treatment under the Freedom of Information Act. (10 minutes)
122. McCollum (MN): Would limit the amount spent on military musical units to \$200,000,000 in fiscal year 2012. (10 minutes)
123. Miller, Candice (MI): Would direct the Department of Defense to collaborate with the Department of Homeland Security to identify technology and equipment that could be used to secure the border. (10 minutes)
124. Moran, James (VA): Would limit the number of parking spaces the Army would be permitted to use at the BRAC #133 location in Alexandria, Virginia, to 1,000 until there are sufficient traffic mitigation measures in place. (10 minutes)
125. Murphy, Tim (PA): Would direct the Surgeons General of the Army, Navy, and Air Force to submit a report to Congress on whether additional behavioral health professionals are needed to treat members of the Armed Forces for PTSD and TBI, and offer recommendations for ways to provide incentives for healthcare professionals to join active and reserve components. (10 minutes)
126. Murphy, Christopher (CT): Would require greater transparency in the issuance of Buy American waivers. Would require an itemized list of articles, materials and supplies for which waivers were sought, an analysis of the domestic capacity to make the waived item, and finally, an explanation in a yearly increase or decrease in Buy American Act waivers. (10 minutes)
127. Nugent (FL): Would expand retroactive eligibility of the Army Combat Action Badge to include members of the Army who participated in combat during which they personally engaged, or were personally engaged by, the enemy at any time on or after December 7, 1941. (10 minutes)
128. Pearce (NM): Would prohibit the Department of the Army from

bundling contracts whose total value is more than \$1,000,000 unless certain criteria are met. (10 minutes)

129. Pompeo (KS): Would waive the time limitation for the award of the Medal of Honor to Father Chaplain Emil Kapaun for heroic deeds during the Korean Conflict. This time waiver is necessary prior to the award of the Medal of Honor by the President. (10 minutes)
130. Pompeo (KS), Ryan, Tim (OH): Would clarify the Medal of Honor process by requiring the Secretary of Defense, rather than the respective military service secretary, to submit the Department of Defense recommendation to Congress. This will ensure the potential Medal of Honor award is supported by the Secretary of Defense prior to Congressional action. (10 minutes)
131. Reed (NY): Would designate TAPs as the National Song of Remembrance and prescribes procedures during the sounding of TAPs. (10 minutes)
132. Richardson (CA): Would express the sense of Congress that NORTHCOM, who's mission it is to protect the United States homeland and support local, state, and federal authorities, to develop a leadership strategy, relationships, and guidelines to work with State and Local authorities in the event of a major incident and in unforeseen circumstances. (10 minutes)
133. Rigell (VA): Would direct the Secretary of Defense to develop and implement a plan to address shortfalls in operational contract support requirements determination, management, oversight, and administration. (10 minutes)
134. Runyan (NJ): Would require that the Secretary of Defense establish goals for competition in contracts for the procurement of property or services to be used outside the United States in support of a contingency operation and requires that processes be developed to measure and monitor such competition, including task order categories for services, construction, and supplies. (10 minutes)
135. Sanchez, Loretta (CA): Would increase the funding for the Global Threat Reduction Initiative. The offset will be derived from the Aerostat Joint Project Office. (10 minutes)
136. Shuster (PA): Would provide a three year extension of authority to the Secretary of Defense to use acquisition and cross-servicing agreements (ACSAs) to loan certain equipment to coalition partners for the purpose of enhancing personnel protection and aiding in personnel survivability in coalition operations, in certain peacekeeping operations, and in connection with training for deployment to such operations. (10 minutes)
137. Sanchez, Loretta (CA): Would require a report assessing the nuclear forces of the Russian Federations relative to the New START Treaty. (10 minutes)
138. Sanchez, Loretta (CA): Would increase funding for the operation of the Defense Nuclear Facilities Safety Board by \$2,500,000. The offset would be derived from Joint Tactical Radio System Maritime-Fixed radios. (10 minutes)
139. Smith, Adam (WA): Would require the President to develop strategies

to address a prioritized list of areas that serve or could serve as potential safe havens for al Qaeda and its violent extremist affiliates. The amendment would further require the agencies involved in executing the strategies to sign a memorandum of understanding to enhance interagency cooperation in executing the amendment. (10 minutes)

140. Smith, Adam (WA): Would require a report on Research and treatment of Post-Traumatic Stress Disorder. (10 minutes)
141. Thompson, Glenn (PA): Would expand the Department of Defense state licensure exception to qualified and credentialed DOD health-care professionals, including contractors and civilians, and removes the location requirement to better allow our Guard and Reserve access to immediate and efficient care. This amendment is nearly identical to H.R. 1832, the STEP Act. (10 minutes)
142. Thornberry (TX): Would protect private sector companies participating in the Defense Industrial Base (DIB) Active Cyber Defense Pilot Project from potential liability as an agent of the government. The pilot project is a 90-day pilot with defense contractors and internet service providers to test an active defense capability in cyber security. (10 minutes)
143. Tierney (MA): Would require the Department of Defense to submit a report to Congress assessing the manufacturing industry of the United States. The report would include, among other requirements: A) an assessment of the current manufacturing capacity of the United States as it relates to the ability of the United States to respond to both civilian and defense needs; B) an assessment of the tax, trade and regulatory policies as they impact the growth of the manufacturing industry in the United States; C) an analysis of the factors leading to the increased outsourcing of manufacturing processes to foreign nations; and D) an analysis of the strength of the United States defense industrial base, including the security and stability of the supply chain and an assessment of the vulnerabilities and weak points of that supply chain. (10 minutes)
144. Tierney (MA): Would establish a working group to monitor the foreign police training programs, projects, and activities of the various Federal departments and agencies and coordinate and unify such programs, projects and activities under a single strategic framework. The interagency working group shall consist of representatives from the Departments of Defense, State, Justice, Homeland Security, Treasury, and Energy, the United States Agency for International Development, and the Millennium Challenge Corporation. (10 minutes)
145. Tierney (MA): Would create an Assistant Secretary of Defense for Contingency Contracting to be the principal advisor of the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology and Logistics on matters relating to planning, funding, staffing, and managing contingency contracting for the Department of Defense. Would also rename and expand the Office of Program Support in the Office of the Under Secretary of Defense for Acquisition, Technology and Logistics as the Office of Contingency Contracting. (10 minutes)
146. Turner (OH): Clarifies the intent of section 1055 by explicitly allowing

activities determined by the Secretary of Defense to be necessary to ensure the continued safety, security, and reliability of the nuclear weapons stockpile. (10 minutes)

147. Turner (OH): Would create an additional exception allowing for the reductions, withdrawals, or consolidations of non-strategic nuclear weapons in Europe, when made pursuant to either a Treaty or authorized by an Act of Congress. (10 minutes)
148. Turner (OH): Would require a report on the cost-benefit analysis of migrating the management headquarters for the Air Force's Enterprise Logistics System Program Executive Office. (10 minutes)
149. Turner (OH), Sanchez, Loretta (CA): Would include a Sense of Congress that any commercial communications that interferes with the Global Positioning System (GPS) should not receive final authorization by the Federal Communications Commission until the potential interference with GPS is resolved. (10 minutes)
150. Young (IN): Would provide the Secretary of Defense with the authority to use funding to carry out a program designed to reintegrate former low-level Taliban fighters into Afghan society. The program would be subject to a certification made by the Secretary of State that such a reintegration program is necessary to support the goals of the U.S. in Afghanistan and that the Department of State and the U.S. Agency for International Development are unable to carry out a similar program of reintegration because of the security environment in certain areas. (10 minutes)
151. Walz (MN): Would require DOD to submit a report to Congress outlining a plan that would ensure access to the Guard and Reserves for missions short of war, as recommended by the Quadrennial Defense Review directed Comprehensive Review of the Guard and Reserve. (10 minutes)
152. Cravaack (MN), Chaffetz (UT): Would repeal Title VXII of the Department of Defense Authorization Act, 1985, which authorized the establishment of the United States Institute of Peace. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
WITTMAN OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. WITTMAN OF VIRGINIA**

Page 34, after line 26, insert the following:

1 SEC. 127. FORD-CLASS AIRCRAFT CARRIER PROCUREMENT.

2 (a) IN GENERAL.—Subject to the availability of ap-
3 propriations for such purpose, the Secretary of the Navy
4 may enter into multiyear contracts for the start of major
5 construction of the Ford-class aircraft carriers designated
6 CVN 79 and CVN 80 and for the construction of major
7 components, modules, or other structures related to such
8 carriers.

9 (b) REQUIREMENTS.—In carrying out this section,
10 the Secretary of the Navy may—

11 (1) enter into contracts under subsection (a) in
12 a manner that the Secretary determines will result
13 in the lowest cost to the United States given the var-
14 iability of shipyard industrial capacity and other fac-
15 tors; and

16 (2) enter into contracts with the prime con-
17 tractor chosen for major fabrication and construc-
18 tion of the vessels or directly with other contractors
19 to supply materiel and equipments for the construc-
20 tion of the vessels in such a manner as to as to re-

1 duce cost to the United States of such materiel and
2 equipments by purchasing in economic order quan-
3 tities.

4 (c) CONDITION FOR OUT-YEAR CONTRACT PAY-
5 MENTS.—A contract entered into under subsection (a)
6 shall provide that any obligation of the United States to
7 make a payment under the contract for a fiscal year after
8 fiscal year 2012 is subject to the availability of appropria-
9 tions for that purpose for such later fiscal year.

10 (d) OTHER AUTHORITY.—Section 121(a) of the John
11 Warner National Defense Authorization Act for Fiscal
12 Year 2007 (Public Law 109–364; 120 Stat. 2104) is
13 amended by striking “three fiscal years” and inserting
14 “four fiscal years”.



2. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
WOOLSEY OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR
10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MS. WOOLSEY OF CALIFORNIA**

Page 34, after line 26, insert the following:

1 **SEC. 127. ELIMINATION OF AVAILABILITY OF FUNDS FOR**
2 **PROCUREMENT OF V-22 OSPREY AIRCRAFT.**

3 Notwithstanding the amounts set forth in the funding
4 tables in division D—

5 (1) the amount authorized to be appropriated in
6 section 101 for aircraft procurement, Navy, as speci-
7 fied in the corresponding funding table in division D,
8 is hereby reduced by \$2,224,817,000, with the
9 amount of the reduction to be derived from Line 009
10 V-22 (Medium Lift) as set forth in the table under
11 section 4101; and

12 (2) the amount authorized to be appropriated in
13 section 101 for aircraft procurement, Air Force, as
14 specified in the corresponding funding table in divi-
15 sion D, is hereby reduced by \$339,865,000, with the
16 amount of the reduction to be derived from Line 019
17 V22 Osprey as set forth in the table under section
18 4101.



3. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TONKO
OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. TONKO OF NEW YORK**

Page 92, after line 12, insert the following:

1 **SEC. 254. APPLICATION OF RNA BIOLOGICAL AND FUNC-**
2 **TIONAL SCIENCE AND TECHNOLOGY.**

3 In carrying out the medical advanced technology pro-
4 gram, the Secretary of Defense shall ensure that, when
5 applicable, RNA biological and functional science and
6 technology are used for research in which RNA may be
7 a translational tool and potentially therapeutic, includ-
8 ing—

- 9 (1) infectious diseases employed by terrorists or
10 other entities to have a battlefield effect;
11 (2) memory disorders;
12 (3) rare diseases; and
13 (4) other diseases affecting military readiness.



4. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
HAYWORTH OF NEW YORK OR HER DESIGNEE, DEBATABLE
FOR 10 MINUTES**

84R

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MS. HAYWORTH OF NEW YORK**

Page 92, after line 12, insert the following:

1 **SEC. 254. SENSE OF CONGRESS ON ACTIVE MATRIX OR-**
2 **GANIC LIGHT EMITTING DIODE TECH-**
3 **NOLOGY.**

4 It is the sense of Congress that—

5 (1) active matrix organic light emitting diode
6 (in this section referred to as “OLED”) technology
7 displays have the potential to reduce the size,
8 weight, and energy consumption of both dismounted
9 and mounted systems of the Armed Forces;

10 (2) the United States has a limited OLED
11 manufacturing industry;

12 (3) to ensure a reliable domestic source of
13 OLED displays, the Secretary of Defense should use
14 existing programs, including the ManTech program,
15 to support the reduction of the costs and risks re-
16 lated to OLED manufacturing technologies; and

17 (4) the reduction of such costs and risks of
18 OLED manufacturing has the potential to enable
19 the affordable production and sustainment of future
20 weapon systems, as well as the affordable transition

- 1 of new technologies that can enhance capabilities of
- 2 current force systems.



5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHIFF
OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. SCHIFF OF CALIFORNIA**

Page 113, after line 17, insert the following:

1 **SEC. 317. HEALTH ASSESSMENT REPORTS REQUIRED WHEN**
2 **WASTE IS DISPOSED OF IN OPEN-AIR BURN**
3 **PITS.**

4 Section 317 of the National Defense Authorization
5 Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat.
6 2250; 10 U.S.C. 2701 note) is amended—

7 (1) by redesignating subsection (c) as sub-
8 section (d); and

9 (2) by inserting after subsection (b) the fol-
10 lowing new subsection (c):

11 “(c) **HEALTH ASSESSMENT REPORTS.**—Not later
12 than 180 days after notice is given under subsection
13 (a)(2), the Secretary shall submit to the Committees on
14 Armed Services of the Senate and House of Representa-
15 tives a health assessment report on the open-air burn pit
16 covered by the notice. Each such report shall include each
17 of the following:

18 “(1) A detailed description of the short-term
19 and long-term health risks posed to personnel in the

1 area where the burn pit is located because of expo-
2 sure to the open-air burn pit.

3 “(2) A copy of the methodology, terminology,
4 data, and results, used to determine the health risks
5 described in paragraph (1).

6 “(3) The methodology and reasoning used in
7 balancing operational risks and health risks when
8 making the determination pursuant to subsection (a)
9 that no alternative disposal method is feasible for
10 the open-air burn pit.”.



6. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
CARTER OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. CARTER OF TEXAS**

Page 178, after line 8, insert the following new section:

1 **SEC. 527. PROTECTED COMMUNICATIONS BY MEMBERS OF**
2 **THE ARMED FORCES AND PROHIBITION OF**
3 **RETALIATORY PERSONNEL ACTIONS.**

4 Section 1034(c)(2) of title 10, United States Code,
5 is amended by adding at the end the following new sub-
6 paragraph:

7 “(C) Ideologically based threats or actions
8 of another member that the member providing
9 the information reasonably believes could be
10 counterproductive or detrimental to United
11 States interests or security.”.



7. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MILLER OF MICHIGAN OR HER DESIGNEE, DEBATABLE FOR 10
MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MRS. MILLER OF MICHIGAN AND
MR. RAHALL OF WEST VIRGINIA**

At the end of subtitle B of title V, add the following:

1 SEC. 515. CHIEF OF NATIONAL GUARD BUREAU.

2 (a) **ROLE AS ADVOCATE AND LIAISON.**—Section
3 10502 of title 10, United States Code, is amended—

4 (1) by redesignating subsections (d) and (e) as
5 subsections (f) and (g), respectively; and

6 (2) by inserting after subsection (c), the fol-
7 lowing new subsection:

8 “(d) **ADVOCATE AND LIAISON FOR STATE NATIONAL**
9 **GUARDS.**—The Chief of the National Guard Bureau shall
10 serve as an advocate and liaison for the National Guard
11 of each State, the Commonwealth of Puerto Rico, the Dis-
12 trict of Columbia, Guam, and the Virgin Islands and in-
13 form such National Guards of all actions that could affect
14 their Federal or State missions, including any equipment
15 level or force structure changes.”.

16 (b) **INCLUSION AS MEMBER OF JOINT CHIEFS OF**
17 **STAFF.**—

18 (1) **IN GENERAL.**—Section 10502 of title 10,
19 United States Code, is further amended by inserting

1 after subsection (d) (as amended by subsection (a))
2 of this section), the following new subsection:

3 “(e) MEMBER OF JOINT CHIEFS OF STAFF.—

4 “(1) The Chief of the National Guard Bureau
5 shall be a member of the Joint Chiefs of Staff (as
6 described in section 151 of this title).

7 “(2) As a member of the Joint Chiefs of Staff,
8 the Chief of the National Guard Bureau has the spe-
9 cific responsibility of advocating for the National
10 Guards of the States, the Commonwealth of Puerto
11 Rico, the District of Columbia, Guam, and the Vir-
12 gin Islands and coordinating the efforts of the
13 warfighting support and force provider mission of
14 the National Guard with the homeland defense, de-
15 fense support to civil authorities, and State emer-
16 gency response missions of the National Guard to
17 ensure the National Guard has the resources to per-
18 form its multiple missions.

19 “(3) The Chief of the National Guard Bureau
20 shall consult with the Governors and the Adjutants
21 General of the States before any changes are made
22 in National Guard force structure or equipment lev-
23 els (or both) to determine the impact such changes
24 may have on the homeland defense, defense support

1 to civil authorities, and State emergency response
2 missions of the National Guard.”.

3 (2) CONFORMING AMENDMENT.—Section
4 151(a) of title 10, United States Code, is amended
5 by adding at the end the following new paragraph:

6 “(7) The Chief of the National Guard Bu-
7 reau.”.



8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
SCHOCK OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. SCHOCK OF ILLINOIS**

At the end of subtitle C of title V, add the following
new section:

**1 SEC. 5 ____ . LIMITATION ON SIMULTANEOUS DEPLOYMENT
2 TO COMBAT ZONES OF DUAL-MILITARY COU-
3 PLES WHO HAVE MINOR DEPENDENTS.**

4 (a) **AUTHORITY TO OBTAIN DEFERMENT.**—In the
5 case of a member of the Armed Forces with minor depend-
6 ents who has a spouse who is also a member of the Armed
7 Forces, and the spouse is deployed in an area for which
8 imminent danger pay is authorized under section 310 of
9 title 37, United States Code, the member may request a
10 deferment of a deployment to such an area until the
11 spouse returns from such deployment.

12 (b) **APPROVAL OF REQUEST.**—The Secretary of the
13 military department concerned, and the Secretary of
14 Homeland Security in the case of members of the Coast
15 Guard, shall approve a request submitted by a member
16 pursuant to subsection (a).

17 (c) **REPEAL OF LIMITED AUTHORITY.**—Section 586
18 of the National Defense Authorization Act for Fiscal Year

1 2008 (Public Law 11--181; 112 Stat. 132; 10 U.S.C. 991

2 note) is amended by striking the second sentence.



9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BACA
OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. BACA OF CALIFORNIA**

At the end of subtitle C of title V, add the following
new section:

1 **SEC. 5__ . DEPARTMENT OF DEFENSE SUICIDE PREVEN-**
2 **TION PROGRAM.**

3 (a) PROGRAM ENHANCEMENTS.—

4 (1) ENHANCEMENT.—The Secretary of Defense
5 shall take appropriate actions to enhance the suicide
6 prevention program of the Department of Defense
7 through the provision of suicide prevention informa-
8 tion and resources to members of the Armed Forces
9 from their initial enlistment or appointment through
10 their final retirement or separation.

11 (2) COOPERATIVE EFFORT.—The Secretary of
12 Defense shall develop suicide prevention information
13 and resources in consultation with—

14 (A) the Secretary of Veterans Affairs, the
15 National Institute of Mental Health, and the
16 Substance Abuse and Mental Health Services
17 Administration of the Department of Health
18 and Human Services; and

1 (B) to the extent appropriate, institutions
2 of higher education and other public and pri-
3 vate entities, including international entities,
4 with expertise regarding suicide prevention.

5 (b) SUICIDE PREVENTION TRAINING COMPONENT
6 DURING RECRUIT BASIC TRAINING.—

7 (1) ARMY.—

8 (A) TRAINING REQUIRED.—Chapter 401 of
9 title 10, United States Code, is amended by in-
10 serting after section 4320 the following new
11 section:

12 **“§ 4320a. Recruit basic training: availability of sui-**
13 **cide prevention resources**

14 “(a) AVAILABILITY.—As part of the initial entry
15 training program of the Army that constitutes the basic
16 training of new recruits, the Secretary of the Army shall
17 include a training component on suicide prevention.

18 “(b) ELEMENTS.—The suicide prevention training
19 component shall include the following:

20 “(1) Methods for recognizing risk factors for
21 suicide.

22 “(2) Protocols for responding to crisis situa-
23 tions involving members who may be at high risk for
24 suicide.

1 “(3) Information about suicide prevention serv-
2 ices available to members, including toll-free hotlines
3 and Internet resources.

4 “(4) Information on best practices for suicide
5 prevention.”.

6 (B) CLERICAL AMENDMENT.—The table of
7 sections at the beginning of such chapter is
8 amended by inserting after the item relating to
9 section 4320 the following new item:

 “4320a. Recruit basic training: availability of suicide prevention resources.”.

10 (2) NAVY AND MARINE CORPS.—

11 (A) TRAINING REQUIRED.—Chapter 602 of
12 such title is amended by adding at the end the
13 following new section:

14 **“§ 6933. Recruit basic training: availability of suicide**
15 **prevention resources**

16 “(a) AVAILABILITY.—As part of the initial entry
17 training program of the Navy and the Marine Corps that
18 constitutes the basic training of new recruits, the Sec-
19 retary of the Navy shall include a training component on
20 suicide prevention.

21 “(b) ELEMENTS.—The suicide prevention training
22 component shall include the following:

23 “(1) Methods for recognizing risk factors for
24 suicide.

1 “(2) Protocols for responding to crisis situa-
2 tions involving members who may be at high risk for
3 suicide.

4 “(3) Information about suicide prevention serv-
5 ices available to members, including toll-free hotlines
6 and Internet resources.

7 “(4) Information on best practices for suicide
8 prevention.”.

9 (B) CLERICAL AMENDMENT.—The table of
10 sections at the beginning of such chapter is
11 amended by adding at the end the following
12 new item:

 “602. Recruit basic training: availability of suicide prevention resources.”.

13 (3) AIR FORCE.—

14 (A) TRAINING REQUIRED.—Chapter 901 of
15 such title is amended by inserting after section
16 9320 the following new section:

17 **“§ 9320a. Recruit basic training: availability of sui-**
18 **cide prevention resources**

19 “(a) AVAILABILITY.—As part of the initial entry
20 training program of the Air Force that constitutes the
21 basic training of new recruits, the Secretary of the Air
22 Force shall include a training component on suicide pre-
23 vention.

24 “(b) ELEMENTS.—The suicide prevention training
25 component shall include the following:

1 “(1) Methods for recognizing risk factors for
2 suicide.

3 “(2) Protocols for responding to crisis situa-
4 tions involving members who may be at high risk for
5 suicide.

6 “(3) Information about suicide prevention serv-
7 ices available to members, including toll-free hotlines
8 and Internet resources.

9 “(4) Information on best practices for suicide
10 prevention.”.

11 (B) CLERICAL AMENDMENT.—The table of
12 sections at the beginning of such chapter is
13 amended by inserting after the item relating to
14 section 4320 the following new item:

 “4320a. Recruit basic training: availability of suicide prevention resources.”.

15 (c) PRESEPARATION COUNSELING.—Section
16 1142(b)(8) of such title is amended by inserting before
17 the period the following: “and the availability to the mem-
18 ber and the member’s family of the suicide prevention re-
19 sources described in section 1177(d) of this title”.

20 (d) FUNDING INCREASE AND OFFSETTING REDUC-
21 TION.—Notwithstanding the amounts set forth in the
22 funding tables in division D—

23 (1) the amount authorized to be appropriated in
24 section 421 for military personnel, as specified in
25 the corresponding funding table in division D, is

1 hereby increased by \$5,000,000, with the amount of
2 the increase allocated to carrying out this section
3 and the amendments made by this section; and

4 (2) the amount authorized to be appropriated in
5 section 101 for other procurement, Air Force, as
6 specified in the corresponding funding table in divi-
7 sion D, is hereby reduced by \$5,000,000, with the
8 amount of the reduction to be derived from Joint
9 Tactical Radio System Maritime-Fixed radios under
10 line 049 Tactical Communications Electronic Equip-
11 ment, as specified in the corresponding funding table
12 in section 4101.



10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COHEN
OF TENNESSEE OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. COHEN OF TENNESSEE
(National Defense Authorization Bill)

At the end of subtitle C of title V, add the following
new section:

1 **SEC. 5 ____ . DESIGNATION OF PERSONS AUTHORIZED TO DI-**
2 **RECT DISPOSITION OF REMAINS OF MEM-**
3 **BERS OF THE ARMED FORCES.**

4 Section 1482(c) of title 10, United States Code, is
5 amended—

6 (1) by striking “Only the” in the matter pre-
7 ceding paragraph (1) and inserting “The”;

8 (2) by redesignating paragraphs (1) through
9 (4) as paragraphs (2) through (5), respectively;

10 (3) in paragraph (5), as so redesignated, by
11 striking “clauses (1)-(3)” and inserting “paragraphs
12 (1) through (4)”;

13 (4) by inserting before paragraph (2), as so re-
14 designated, the following new paragraph:

15 “(1) The person identified by the decedent on
16 the record of emergency data maintained by the Sec-
17 retary concerned (DD Form 93 or any successor to
18 that form), as the Person Authorized to Direct Dis-

- 1 position (PADD), regardless of the relationship of
- 2 the designee to the decedent.”.



11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
BECERRA OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR
10 MINUTES

21012

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. BECERRA OF CALIFORNIA**

At the end of subtitle E of title V, add the following
new section:

**1 SEC. 5 ___. DIVERSITY RECRUITMENT EFFORTS FOR THE
2 MILITARY SERVICE ACADEMIES.**

3 (a) FUNDS FOR DIVERSITY RECRUITMENT EF-
4 FORTS.—The amounts authorized to be appropriated by
5 section 301 for operation and maintenance for the Army,
6 Navy, and Air Force for officer acquisition, as specified
7 in the corresponding funding table in section 4301, are
8 each increased by \$1,400,000 to expand diversity recruit-
9 ment efforts for the United States Military Academy, the
10 United States Naval Academy, and the United States Air
11 Force Academy.

12 (b) OFFSET FROM JOINT TACTICAL RADIO SYS-
13 TEM.—Notwithstanding the amounts set forth in the
14 funding tables in division D, the amount authorized to be
15 appropriated in section 101 for other procurement, Air
16 Force, as specified in the corresponding funding table in
17 division D, is hereby reduced by \$4,200,000, with the
18 amount of the reduction to be derived from Joint Tactical
19 Radio System Maritime-Fixed radios under Line 049 Tac-

1 tical Communications-Electronic Equipment as set forth
2 in the table under section 4101.

3 (c) MERIT-BASED OR COMPETITIVE DECISIONS.—A
4 decision to commit, obligate, or expend funds referred to
5 in subsection (a) with or to a specific entity shall—

6 (1) be based on merit-based selection proce-
7 dures in accordance with the requirements of sec-
8 tions 2304(k) and 2374 of title 10, United States
9 Code, or on competitive procedures; and

10 (2) comply with other applicable provisions of
11 law.



12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
HUNTER OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR
10 MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. HUNTER OF CALIFORNIA
(Defense Authorization Bill)**

At the end of subtitle H of title V, add the following
new section:

**1 SEC. 5 ____ . PILOT PROGRAM ON SCHOLARSHIPS FOR MILI-
2 TARY DEPENDENT CHILDREN WITH SPECIAL
3 EDUCATION NEEDS.**

4 (a) PILOT PROGRAM REQUIRED.—

5 (1) IN GENERAL.—The Secretary of Defense
6 shall, in conjunction with the Secretaries of the mili-
7 tary departments, carry out a pilot program to as-
8 sess the feasibility and advisability of awarding
9 scholarships to military children with special edu-
10 cation needs described in subsection (b) in order to
11 cover the costs of such children in attending a school
12 described in subsection (c) for the purpose of ensur-
13 ing military children with special education needs a
14 free appropriate public education that emphasizes
15 special education and related services designed to
16 meet their unique needs and prepare them for fur-
17 ther education, employment and independent living.

1 Such scholarships shall be known as “academic opportunity scholarships”.
2

3 (2) PURPOSES.—The purposes of the pilot program shall be as follows:
4

5 (A) To identify and assess obstacles faced
6 by military families with children with special
7 education needs in obtaining a free appropriate
8 public education to address such needs.

9 (B) To develop options for military children with special education needs to attend
10 public or private schools through scholarships.

11 (C) To identify and assess evidence-based
12 research and best practices for providing special
13 education and related services (as those terms
14 are defined in section 602 of the Individuals
15 with Disabilities Education Act (20 U.S.C.
16 1401)) for military children with special education needs.
17

18 (D) To assess timeliness in obtaining special education and related services described in
19 subparagraph (C).
20

21 (E) To identify and document improvements in academic performance of military children with special education needs as a result of
22 the scholarships under the pilot program.
23
24
25

1 (F) To determine and document the cost
2 associated with obtaining special education and
3 related services described in subparagraph (C)
4 through such scholarships.

5 (3) CRITERIA.—The Secretary of Defense shall
6 carry out the pilot program based on uniform cri-
7 teria established by the Secretary, in consultation
8 with the Secretary of Education or the appropriate
9 State government agency.

10 (4) COMMENCEMENT.—The Secretary of De-
11 fense shall commence carrying out the pilot program
12 beginning with the 2012-2013 academic year.

13 (b) COVERED MILITARY DEPENDENT CHILDREN.—
14 A military dependent child described in this subsection is
15 a child who—

16 (1) is a dependent of a member of the Armed
17 Forces;

18 (2) is a member of a family enrolled in the Ex-
19 ceptional Family Member program administered by
20 the Secretary of the military department concerned;

21 (3) is a child with a disability under section 602
22 of the Individuals with Disabilities Education Act;
23 and

24 (4) is covered by a current individualized edu-
25 cation program developed and approved in accord-

1 ance with section 614 of the Individuals with Dis-
2 abilities Education Act (20 U.S.C. 1414) or has
3 been identified as needing special education and re-
4 lated services.

5 (c) COVERED SCHOOLS.—A school described in this
6 subsection is any elementary or secondary school as fol-
7 lows:

8 (1) A private elementary school or secondary
9 school.

10 (2) A public school in a local educational agen-
11 cy or location other than the local educational agen-
12 cy or location, as the case may be, in which the mili-
13 tary dependent child concerned resides.

14 (3) A public charter school in a local edu-
15 cational agency or location other than the local edu-
16 cational agency or location, as the case may be, in
17 which the military dependent child concerned re-
18 sides.

19 (d) AMOUNT, PAYMENT, AND USE OF SCHOLAR-
20 SHIP.—

21 (1) AMOUNT.—The amount of the scholarship
22 awarded a military dependent child under the pilot
23 program for an academic year may not exceed the
24 lesser of—

1 (A) the amount required for such academic
2 year for the payment of tuition, fees, transpor-
3 tation, and other expenses in connection with
4 attendance at a school described in subsection
5 (c) for the purpose specified in subsection (a);
6 or

7 (B) \$7,500.

8 (2) PAYMENT.—Payment of the amount of a
9 scholarship awarded a military dependent child shall
10 be made to the parent or guardian of the child for
11 an academic year.

12 (3) USE.—Subject to regulations prescribed by
13 the Secretary of Defense for purposes of the pilot
14 program, the amount of the scholarship awarded a
15 military dependent child shall be utilized for the pay-
16 ment of tuition, fees, transportation, and other ex-
17 penses in connection with attendance at a school de-
18 scribed in subsection (c) for the purpose specified in
19 subsection (a).

20 (e) EVALUATION OF PERFORMANCE OF RECIPIENT
21 MILITARY DEPENDENT CHILDREN.—

22 (1) IN GENERAL.—The Secretary of Defense
23 shall conduct an evaluation of the performance of
24 military dependent children awarded scholarships

1 under the pilot program. The evaluation shall ad-
2 dress the following:

3 (A) The progress made by military depend-
4 ent children awarded scholarships in academic
5 and social performance.

6 (B) The success of the scholarships in ex-
7 panding choice in education and related services
8 for military dependent children described in
9 subsection (b).

10 (C) The success of the scholarships in en-
11 suring timely access of military dependent chil-
12 dren described in subsection (b) to special edu-
13 cation and related services required under their
14 individualized education programs.

15 (D) Such other matters as the Secretary
16 considers appropriate.

17 (2) COMPLETION.—The evaluation required by
18 paragraph (1) shall be completed not later than De-
19 cember 31, 2015.

20 (f) OPTIONS FOR IMPROVEMENT OF EDUCATIONAL
21 OPPORTUNITIES FOR MILITARY CHILDREN WITH SPE-
22 CIAL EDUCATION NEEDS.—

23 (1) DEVELOPMENT OF OPTIONS.—The Sec-
24 retary of the Defense shall, in consultation with the
25 Secretary of Education, develop a variety of options

1 for military families with children with special edu-
2 cation needs to enhance the benefits available to
3 such families and children under the Individuals
4 with Disabilities Education Act and better assist
5 such families in meeting such needs.

6 (2) ACTIONS.—In developing actions under
7 paragraph (1), the Secretaries shall consider the fol-
8 lowing:

9 (A) The feasibility of establishing an indi-
10 vidualized education program for military chil-
11 dren with special education needs that is appli-
12 cable across jurisdictions of local educational
13 agencies in order to achieve reciprocity among
14 States in acknowledging such programs.

15 (B) Means of improving oversight and
16 compliance with the provisions of section 614 of
17 the Individuals with Disabilities Education Act
18 that require local educational agencies to sup-
19 port an existing individualized education pro-
20 gram for a military child with special education
21 needs who is relocating to another State pursu-
22 ant to the permanent change of station of a
23 military parent until an individualized education
24 program is developed and approved for such
25 child in the State to which the child relocates.

1 (C) The feasibility of establishing an expedited process for resolution of complaints by
2 military parents with a child with special education needs about lack of access to education
3 and related services otherwise specified in the individualized education program of such child.
4
5

6 (D) The feasibility of permitting the Department of Defense to contact the State to
7 which a military family with a child with special education needs will relocate pursuant to a permanent
8 change of station when the orders for such change of station are issued, but before
9 the family takes residence in such State, for the purpose of commencing preparation for education
10 and related services specified in the individualized education program of such child.
11
12

13 (E) The feasibility of establishing a system within the Department of Defense to document
14 complaints by military parents regarding access to free and appropriate public education for
15 their children with special education needs
16

17 (F) Means to strengthen the monitoring and oversight of education and related services
18 for military children with special education
19
20
21
22
23
24

1 needs under the Interstate Compact on Edu-
2 cational Opportunities for Military Children.

3 (G) Such other matters as the Secretaries
4 jointly consider appropriate.

5 (g) REPORTS.—

6 (1) REPORT ON IMPROVEMENTS OF EDU-
7 CATIONAL OPPORTUNITIES.—Not later than Sep-
8 tember 30, 2013, the Secretary of Defense shall sub-
9 mit to Congress a report setting forth the options
10 developed under subsection (f). The report shall in-
11 clude—

12 (A) a description of any options developed;
13 and

14 (B) recommendations for such legislative
15 or administrative action as the Secretary of De-
16 fense and the Secretary of Education jointly
17 consider appropriate to implement such options.

18 (2) REPORT ON IMPLEMENTATION OF PILOT
19 PROGRAM.—Not later than September 30, 2012, the
20 Secretary of Defense shall submit to the Committees
21 on Armed Services of the Senate and the House of
22 Representatives a report setting forth the plans of
23 the Secretary for the award of scholarships under
24 the pilot program, including any regulations pre-
25 scribed for purposes of subsection (d)(3).

1 (3) FINAL REPORT ON PILOT PROGRAM.—Not
2 later than September 30, 2016, the Secretary shall
3 submit to the Committees on Armed Services of the
4 Senate and the House of Representatives a report on
5 the scholarships awarded under the pilot program.
6 The report shall include—

7 (A) a description of the scholarships
8 awarded under the pilot program, including the
9 number and amount of scholarships by school
10 year;

11 (B) the results of the evaluation required
12 by subsection (e); and

13 (C) such other matters as the Secretary
14 considers appropriate.

15 (h) FUNDING FOR SCHOLARSHIPS.—

16 (1) ADDITIONAL, DISCRETIONARY BUDGET AU-
17 THORITY.—Of the amounts authorized to be appro-
18 priated by section 301 for Defense-wide operation
19 and maintenance for family advocacy activities, as
20 specified in the corresponding funding table in divi-
21 sion D, the Secretary of Defense shall obligate an
22 additional \$10,000,000 to award scholarships to
23 military dependent children under the pilot program.

24 (2) LIMITATION ON ADMINISTRATIVE EX-
25 PENSES.—Not more than five percent of the amount

1 specified in paragraph (1) may be used to cover ad-
2 ministrative expenses to carry out the pilot program.

3 (3) MERIT-BASED OR COMPETITIVE DECI-
4 SIONS.—A decision to commit, obligate, or expend
5 funds made available under paragraph (1) with or to
6 a specific entity or person shall—

7 (A) be based on merit-based selection pro-
8 cedures in accordance with the requirements of
9 sections 2304(k) and 2374 of title 10, United
10 States Code, or on competitive procedures; and

11 (B) comply with other applicable provisions
12 of law.

13 (i) SUNSET.—The pilot program shall expire on Sep-
14 tember 30, 2016. No scholarship may be awarded under
15 the pilot program for an academic year that begins on or
16 after that date.

17 (j) FUNDING INCREASE AND OFFSETTING REDUC-
18 TION.—Notwithstanding the amounts set forth in the
19 funding tables in division D—

20 (1) the amount authorized to be appropriated in
21 section 301 for Defense-wide operation and mainte-
22 nance, as specified in the corresponding funding
23 table in division D, is hereby increased by
24 \$10,000,000, with the amount of the increase allo-
25 cated to carrying out the pilot program; and

1 (2) the amount authorized to be appropriated in
2 section 1433 for the Mission Force Enhancement
3 Transfer Fund, as specified in the corresponding
4 funding table in division D, is hereby reduced by
5 \$10,000,000.



13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MCNERNEY OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

70

AMENDMENT TO H.R. 1540, AS REPORTED

OFFERED BY MR. McNERNEY OF CALIFORNIA

At the end of subtitle H of title V, add the following
new section:

1 SEC. 577. SENSE OF CONGRESS REGARDING FINANCIAL
2 COUNSELING FOR MILITARY FAMILIES.

3 It is the sense of Congress that the Secretary of De-
4 fense should work with the Consumer Financial Protection
5 Bureau to ensure coordination with the Office of Service
6 Member Affairs to provide financial counseling for mem-
7 bers of the Armed Forces and their families.



14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCNERNEY OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. McNERNEY OF CALIFORNIA**

Strike section 591 and insert the following new section:

1 **SEC. 591. AUTHORITY TO PROVIDE SUPPORT AND SERV-**
2 **ICES FOR CERTAIN ORGANIZATIONS AND AC-**
3 **TIVITIES OUTSIDE DEPARTMENT OF DE-**
4 **FENSE.**

5 Section 2012 of title 10, United States Code, is
6 amended by adding at the end the following new sub-
7 section:

8 “(k) **LIMITATION ON ANNUAL OBLIGATION OF**
9 **FUNDS.**—Not more than \$20,000,000 may be obligated
10 during fiscal year 2012 or any fiscal year thereafter to
11 provide support and services to non-Department of De-
12 fense organizations and activities under this section.”.



**15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KING
OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. KING OF NEW YORK**

At the end of subtitle J of title V of division A, add
the following new section:

1 SEC. 598. POSTAL BENEFITS PROGRAM.

2 (a) **SHORT TITLE.**—This section may be cited as the
3 “Supply Our Soldiers Act of 2011”.

4 (b) **POSTAL BENEFITS PROGRAM FOR MEMBERS OF**
5 **THE ARMED FORCES.**—

6 (1) **IN GENERAL.**—The Secretary of Defense, in
7 consultation with the United States Postal Service,
8 shall provide for a program under which postal bene-
9 fits shall be provided to qualified individuals in ac-
10 cordance with succeeding provisions of this section.

11 (2) **QUALIFIED INDIVIDUAL.**—For purposes of
12 this section, the term “qualified individual” means
13 an individual who is—

14 (A) a member of the Armed Forces of the
15 United States on active duty (as defined in sec-
16 tion 101 of title 10, United States Code); and

17 (B)(i) serving in Iraq or Afghanistan; or

18 (ii) hospitalized at a facility under the ju-
19 risdiction of the Armed Forces of the United

1 States as a result of a disease or injury in-
2 curred as a result of service in Iraq or Afghani-
3 stan.

4 (3) POSTAL BENEFITS DESCRIBED.—

5 (A) IN GENERAL.—The postal benefits
6 provided under this section shall consist of such
7 coupons or other similar evidence of credit
8 (whether in printed, electronic, or other format,
9 and hereinafter in this section referred to as
10 “vouchers”) as the Secretary of Defense (in
11 consultation with the Postal Service) shall de-
12 termine, entitling the bearer or user to make
13 qualified mailings free of postage.

14 (B) QUALIFIED MAILING.—For purposes
15 of this section, the term “qualified mailing”
16 means the mailing of a single mail piece
17 which—

18 (i) is described in clause (i) or (ii) of
19 subparagraph (C);

20 (ii) is sent from within an area served
21 by a United States post office; and

22 (iii) is addressed to a qualified indi-
23 vidual.

24 (C) MAIL DESCRIBED.—Mail described in
25 this subparagraph is—

1 (i) any first-class mail (including any
2 sound- or video-recorded communication)
3 not exceeding 13 ounces in weight and
4 having the character of personal cor-
5 respondence; and

6 (ii) parcel post not exceeding 15
7 pounds in weight.

8 (D) LIMITATIONS.—

9 (i) NUMBER.—An individual shall be
10 eligible for one voucher for each two-month
11 period in which such individual is a quali-
12 fied individual.

13 (ii) USE.—Any such voucher may not
14 be used—

15 (I) for more than a single quali-
16 fied mailing; or

17 (II) after the expiration date of
18 such voucher, as designated by the
19 Secretary of Defense.

20 (E) COORDINATION RULE.—Postal benefits
21 under this section shall be in addition to, and
22 not in lieu of, any reduced rates of postage or
23 other similar benefits which might otherwise be
24 available by or under law, including any rates

1 of postage resulting from the application of sec-
2 tion 3401(b) of title 39, United States Code.

3 (4) REGULATIONS.—Not later than 30 days
4 after the date of the enactment of this section, the
5 Secretary of Defense (in consultation with the Postal
6 Service) shall prescribe any regulations necessary to
7 carry out this section, including—

8 (A) procedures by which vouchers will be
9 provided or made available in timely manner to
10 persons duly identified by qualified individuals
11 to receive those vouchers; and

12 (B) procedures to ensure that the number
13 of vouchers provided or made available with re-
14 spect to any qualified individual complies with
15 paragraph (3)(D)(i).

16 (c) FUNDING.—

17 (1) FUNDING INCREASE AND OFFSETTING RE-
18 Duction.—Notwithstanding the amounts set forth
19 in the funding tables in division D, to carry out this
20 section during fiscal year 2012—

21 (A) the amount authorized to be appro-
22 priated in section 301 for operation and main-
23 tenance, Defense-wide, as specified in the cor-
24 responding funding table in division D, is here-
25 by increased by \$12,000,000, with the amount

1 of the increase allocated to the Office of the
2 Secretary of Defense, as set forth in the table
3 under section 4301, to carry out this section;
4 and

5 (B) the amount authorized to be appro-
6 priated in section 101 for other procurement,
7 Army, as specified in the corresponding funding
8 table of division D, is hereby reduced by
9 \$12,000,000 with the amount of the reduction
10 to be derived from the Joint Tactical Radio
11 System, Ground Mobile Radio Program under
12 Line 039 Joint Tactical Radio System as set
13 forth in the table under section 4101.

14 (2) TRANSFERS TO POSTAL SERVICE.—

15 (A) BASED ON ESTIMATES.—The Depart-
16 ment of Defense shall transfer to the Postal
17 Service, out of any amount so appropriated and
18 in advance of each calendar quarter for fiscal
19 year 2012 beginning on or after January 1,
20 2012, and during which postal benefits under
21 this section may be used, an amount equal to
22 the amount of postal benefits that the Depart-
23 ment of Defense estimates will be used during
24 such quarter, reduced or increased (as the case
25 may be) by any amounts by which the Depart-

1 ment finds that a determination under this sub-
2 section for a prior quarter was greater than or
3 less than the amount finally determined for
4 such quarter.

5 (B) BASED ON FINAL DETERMINATION.—

6 A final determination of the amount necessary
7 to correct any previous determination under
8 this subsection, and any transfer of amounts
9 between the Postal Service and the Department
10 of Defense based on that final determination,
11 shall be made not later than six months after
12 the end of fiscal year 2012.

13 (3) CONSULTATION REQUIRED.—All estimates
14 and determinations under this subsection of the
15 amount of postal benefits under this section used in
16 any period shall be made by the Department of De-
17 fense in consultation with the Postal Service.

18 (d) DURATION.—The postal benefits under this sec-
19 tion shall apply with respect to mail matter sent during
20 the period beginning on October 1, 2011, and ending on
21 September 30, 2012.



16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
RUPPERSBERGER OF MARYLAND OR HIS DESIGNEE,
DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. RUPPERSBERGER OF
MARYLAND**

(National Defense Authorization Bill)

At the end of subtitle C of title VI, add the following
new section:

**1 SEC. 623. INCLUSION OF MEMBERS OF THE ARMED FORCES
2 ASSIGNED TO EGYPT MULTI-NATIONAL
3 FORCE AND OBSERVERS MISSION IN UNITED
4 STATES CENTRAL COMMAND REST AND RE-
5 CUPERATION ABSENCE PROGRAM.**

6 (a) INCLUSION OF MNFOM MEMBERS.—Subsection
7 (b) of section 705a of title 10, United States Code, as
8 added by section 532 of the Ike Skelton National Defense
9 Authorization Act for Fiscal Year 2011 (Public Law 111–
10 383; 124 Stat. 4216), is amended to read as follows:

11 “(b) ELIGIBLE MEMBERS.—Subject to such other
12 criteria as the Secretary of Defense may prescribe in the
13 regulations required by subsection (a), the following mem-
14 bers of the armed forces are eligible for selection to receive
15 the benefits described in subsection (c):

16 “(1) A member who is assigned or deployed for
17 at least 270 days in an area or location—

1 “(A) that is designated by the President as
2 a combat zone; and

3 “(B) in which hardship duty pay is author-
4 ized to be paid under section 305 of title 37.

5 “(2) A member who is assigned to duty for at
6 least 270 days as a participant in the Egypt Multi-
7 National Force and Observers Mission.”.

8 (b) FUNDING SOURCE.—Notwithstanding the
9 amounts set forth in the funding table in section 4501,
10 the Secretary of Defense may transfer up to \$4,000,000
11 from the Mission Force Enhancement Transfer Fund es-
12 tablished by section 1433 to another account of the De-
13 partment of Defense to mitigate unfunded requirements
14 for fiscal year 2012 incurred as a result of the amendment
15 made by subsection (a).

16 (c) OFFSET.—Notwithstanding the amounts set forth
17 in the funding tables in division D, the amount authorized
18 to be appropriated in section 101 for other procurement,
19 Army, as specified in the corresponding funding table in
20 division D, is hereby reduced by \$5,000,000, with the
21 amount of the reduction to be derived from Joint Tactical
22 Radio System Maritime-Fixed radios under Line 039
23 Joint Tactical Radio System as set forth in the table
24 under section 4101.



17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CARTER OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. CARTER OF TEXAS**

At the end of title VI, add the following new section:

1 **SEC. 662. TREATMENT OF MEMBERS OF THE ARMED**
2 **FORCES AND CIVILIAN EMPLOYEES OF THE**
3 **DEPARTMENT OF DEFENSE WHO WERE**
4 **KILLED OR WOUNDED IN THE NOVEMBER 5,**
5 **2009, ATTACK AT FORT HOOD, TEXAS.**

6 (a) TREATMENT.—For purposes of all applicable
7 Federal laws, regulations, and policies, a member of the
8 Armed Forces or civilian employee of the Department of
9 Defense who was killed or wounded in the attack that oc-
10 curred at Fort Hood, Texas, on November 5, 2009, shall
11 be deemed as follows:

12 (1) In the case of a member, to have been killed
13 or wounded in a combat zone as the result of an act
14 of an enemy of the United States.

15 (2) In the case of a civilian employee of the De-
16 partment of Defense—

17 (A) to have been killed or wounded while
18 serving with the Armed Forces in a contingency
19 operation; and

1 (B) to have been killed or wounded in a
2 terrorist attack.

3 (b) EXCEPTION.—Subsection (a) shall not apply to
4 a member of the Armed Forces whose death or wound as
5 described in that subsection is the result of the willful mis-
6 conduct of the member.



18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
BOSWELL OF IOWA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

AMENDMENT TO H.R. 1540, AS REPORTED

OFFERED BY

Boswell

Page 316, line 15, in section 646 relating to the enhanced commissary stores pilot program, strike “(e)” and insert the following:

- 1 “(e) SUBSTANCE ABUSE PREVENTION PROGRAMS.—
2 On account of the types of merchandise authorized to be
3 sold in an enhanced commissary store, the Secretary of
4 Defense may use amounts retained under subsection
5 (d)(1) for the enhanced commissary store to support sub-
6 stance abuse prevention programs for patrons of the store
7 while ensuring that the store receives necessary operating
8 funds.
9 “(f)”.



19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
CARSON OF INDIANA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. CARSON OF INDIANA**

Page 325, after line 9, insert the following:

1 **SEC. 705. MENTAL HEALTH ASSESSMENTS FOR MEMBERS**
2 **OF THE ARMED FORCES DEPLOYED IN SUP-**
3 **PORT OF A CONTINGENCY OPERATION.**

4 (a) **MENTAL HEALTH EXAMINATIONS DURING A DE-**
5 **PLOYMENT.—**

6 (1) **IN GENERAL.**—Chapter 55 of title 10,
7 United States Code, is amended by inserting after
8 section 1074l the following new section:

9 **“§ 1074m. Mental health assessments for members of**
10 **the armed forces deployed in support of a**
11 **contingency operation**

12 **“(a) MENTAL HEALTH ASSESSMENTS.—**(1) The Sec-
13 retary of Defense shall provide a person-to-person mental
14 health assessment for each member of the armed forces
15 who is deployed in support of a contingency operation as
16 follows:

17 **“(A) Once during the period beginning 60 days**
18 **before the date of the deployment.**

19 **“(B) Once during each 180-day period in which**
20 **the member is so deployed.**

1 “(C) Once during the period beginning 90 days
2 after the date of redeployment from the contingency
3 operation and ending 180 days after such redeploy-
4 ment date.

5 “(D) Subject to subsection (d), not later than
6 once during each of—

7 “(i) the period beginning 180 days after
8 the date of redeployment from the contingency
9 operation and ending one year after such rede-
10 ployment date;

11 “(ii) the period beginning one year after
12 such redeployment date and ending two years
13 after such redeployment date; and

14 “(iii) the period beginning two years after
15 such redeployment date and ending three years
16 after such redeployment date.

17 “(2) A mental health assessment is not required for
18 a member of the armed forces under subparagraphs (C)
19 and (D) of paragraph (1) if the Secretary determines
20 that—

21 “(A) the member was not subjected or exposed
22 to operational risk factors during deployment in the
23 contingency operation concerned; or

24 “(B) providing such assessment to the member
25 during the time periods under such subparagraphs

1 would remove the member from forward deployment
2 or put members or operational objectives at risk.

3 “(b) PURPOSE.—The purpose of the mental health
4 assessments provided pursuant to this section shall be to
5 identify post-traumatic stress disorder, traumatic brain in-
6 jury, suicidal tendencies, and other behavioral health con-
7 ditions identified among members of the armed forces de-
8 scribed in subsection (a) in order to determine which such
9 members are in need of additional care and treatment for
10 such health conditions.

11 “(c) ELEMENTS.—(1) The mental health assessments
12 provided pursuant to this section shall—

13 “(A) be performed by personnel trained and
14 certified to perform such assessments and may be
15 performed—

16 “(i) by licensed mental health professionals
17 if such professionals are available and the use
18 of such professionals for the assessments would
19 not impair the capacity of such professionals to
20 perform higher priority tasks; and

21 “(ii) by personnel at private facilities in ac-
22 cordance with section 1074(c) of this title.

23 “(B) include a person-to-person dialogue be-
24 tween members of the armed forces described in sub-
25 section (a) and the professionals or personnel de-

1 scribed by paragraph (1), as applicable, on such
2 matters as the Secretary shall specify in order that
3 the assessments achieve the purpose specified in sub-
4 section (b) for such assessments;

5 “(C) be conducted in a private setting to foster
6 trust and openness in discussing sensitive health
7 concerns;

8 “(D) be provided in a consistent manner across
9 the military departments; and

10 “(E) include a review of the health records of
11 the member that are related to each previous deploy-
12 ment of the member or other relevant activities of
13 the member while serving in the armed forces, as de-
14 termined by the Secretary.

15 “(2) The Secretary may treat periodic health assess-
16 ments and other person-to-person assessments that are
17 provided to members of the armed forces, including exami-
18 nations under section 1074f, as meeting the requirements
19 for mental health assessments required under this section
20 if the Secretary determines that such assessments and
21 person-to-person assessments meet the requirements for
22 mental health assessments established by this section.

23 “(d) CESSATION OF ASSESSMENTS.—No mental
24 health assessment is required to be provided to an indi-

vidual under subsection (a)(1)(D) after the individual's discharge or release from the armed forces.

“(e) **DIAGNOSES DURING DEPLOYMENT.**—(1) In order to prevent suicide, self-harm, harm to others, and under-performance of members of the armed forces, the Secretary shall, with respect to a member described in paragraph (2)—

“(A) retire the member pursuant to section 1201 of this title if such member is otherwise qualified for such retirement; or

“(B) redeploy such member from the contingency operation to a location where the member may receive appropriate medical treatment.

“(2) A member described in this paragraph is a member of the armed forces who, as a result of a mental health assessment conducted under subsection (a)(1)(B)—

“(A) is diagnosed with post-traumatic stress disorder, traumatic brain injury, suicidal tendencies, or other behavioral health condition; and

“(B) as part of such diagnosis, is determined to—

“(i) require care or monitoring that the Secretary determines cannot be provided while the member is deployed in support of a contingency operation;

1 “(ii) be at risk of self-harm or harming
2 other members of the armed forces; or

3 “(iii) be unable to perform duties assigned
4 during such deployment.

5 “(f) SHARING OF INFORMATION.—(1) The Secretary
6 of Defense shall share with the Secretary of Veterans Af-
7 fairs such information on members of the armed forces
8 that is derived from confidential mental health assess-
9 ments, including mental health assessments provided pur-
10 suant to this section and health assessments and other
11 person-to-person assessments provided before the date of
12 the enactment of this section as the Secretary of Defense
13 and the Secretary of Veterans Affairs jointly consider ap-
14 propriate to ensure continuity of mental health care and
15 treatment of members of the armed forces during the
16 transition from health care and treatment provided by the
17 Department of Defense to health care and treatment pro-
18 vided by the Department of Veterans Affairs.

19 “(2) Any sharing of information under paragraph (1)
20 shall occur pursuant to a protocol jointly established by
21 the Secretary of Defense and the Secretary of Veterans
22 Affairs for purposes of this subsection. Any such protocol
23 shall be consistent with the following:

24 “(A) Applicable provisions of the Wounded
25 Warrior Act (title XVI of Public Law 110–181; 10

1 U.S.C. 1071 note), including section 1614 of that
2 Act (122 Stat. 443; 10 U.S.C. 1071 note).

3 “(B) Section 1720F of title 38.

4 “(3) Before each mental health assessment is con-
5 ducted under subsection (a), the Secretary of Defense
6 shall ensure that the member of the armed forces is noti-
7 fied of the sharing of information with the Secretary of
8 Veterans Affairs under this subsection.

9 “(g) REGULATIONS.—The Secretary of Defense, in
10 consultation with the other administering Secretaries,
11 shall prescribe regulations for the administration of this
12 section.

13 “(h) REPORTS.—(1) Upon the issuance of the regula-
14 tions prescribed under subsection (g), the Secretary of De-
15 fense shall submit to Congress a report describing such
16 regulations.

17 “(2)(A) Not later than 270 days after the date of
18 the issuance of the regulations prescribed under sub-
19 section (g), the Secretary shall submit to Congress an ini-
20 tial report on the implementation of the regulations by the
21 military departments.

22 “(B) Not later than two years after the date of the
23 issuance of the regulations prescribed under subsection
24 (g), the Secretary shall submit to Congress a report on
25 the implementation of the regulations by the military de-

1 partments. The report shall include an evidence-based as-
2 sessment of the effectiveness of the mental health assess-
3 ments provided pursuant to the regulations in achieving
4 the purpose specified in subsection (b) for such assess-
5 ments.”.

6 (2) CLERICAL AMENDMENT.—The table of sec-
7 tions at the beginning of chapter 55 of such title is
8 amended by inserting after the item relating to sec-
9 tion 1074l the following new item:

“1074m. Mental health assessments for members of the armed forces deployed
in support of a contingency operation.”.

10 (3) REGULATIONS.—The Secretary of Defense
11 shall prescribe an interim final rule with respect to
12 the amendment made by paragraph (1), effective not
13 later than 90 days after the date of the enactment
14 of this Act.

15 (b) CONFORMING REPEAL.—Section 708 of the Na-
16 tional Defense Authorization Act for Fiscal Year 2010
17 (Public Law 111–84; 123 Stat. 2376; 10 U.S.C. 1074f
18 note) is repealed.



20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
BOSWELL OF IOWA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

110R2

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. BOSWELL OF IOWA**

Page 345, after line 8, insert the following:

**1 SEC. 731. STUDY ON BREAST CANCER AMONG MEMBERS OF
2 THE ARMED FORCES AND VETERANS.**

3 (a) STUDY.—The Secretary of Defense and the Sec-
4 retary of Veterans Affairs shall jointly conduct a study
5 on the incidence of breast cancer among members of the
6 Armed Forces (including members of the National Guard
7 and reserve components) and veterans. Such study shall
8 include the following:

9 (1) A determination of the number of members
10 and veterans diagnosed with breast cancer.

11 (2) A determination of demographic informa-
12 tion regarding such members and veterans, includ-
13 ing—

14 (A) race;

15 (B) ethnicity;

16 (C) sex;

17 (D) age;

18 (E) possible exposure to hazardous ele-
19 ments or chemical or biological agents (includ-

1 ing any vaccines) and where such exposure oc-
2 curred;

3 (F) the locations of duty stations that such
4 member or veteran was assigned;

5 (G) the locations in which such member or
6 veteran was deployed; and

7 (H) the geographic area of residence prior
8 to deployment.

9 (3) An analysis of breast cancer treatments re-
10 ceived by such members and veterans.

11 (4) Other information the Secretaries consider
12 necessary.

13 (b) REPORT.—Not later than 18 months after the
14 date of the enactment of this Act, the Secretary of Defense
15 and the Secretary of Veterans Affairs shall jointly submit
16 to Congress a report containing the results of the study
17 required under subsection (a).

18 (c) FUNDING INCREASE AND OFFSETTING REDUC-
19 TION.—Notwithstanding the amounts set forth in the
20 funding tables in division D—

21 (1) the amount authorized to be appropriated in
22 section 1406 for the Defense Health Program, as
23 specified in the corresponding funding table in divi-
24 sion D, is hereby increased by \$10,000,000, with the
25 amount of the increase allocated to the Defense

1 Health Program, as set forth in the table under sec-
2 tion 4501, to carry out this section;

3 (2) the amount authorized to be appropriated in
4 section 101 for other procurement, Navy, as speci-
5 fied in the corresponding funding table in division D,
6 is hereby reduced by \$8,800,000, with the amount
7 of the reduction to be derived from Joint Tactical
8 Radio System Maritime-Fixed radios under Line
9 075 Shipboard Tactical Communications as set forth
10 in the table under section 4101; and

11 (3) the amount authorized to be appropriated in
12 section 101 for other procurement, Air Force, as
13 specified in the corresponding funding table in divi-
14 sion D, is hereby reduced by ~~\$2,200,000~~, with the
15 amount of the reduction to be derived from Joint
16 Tactical Radio System Maritime-Fixed radios under
17 Line 049 Tactical Communications-Electronic
18 Equipment as set forth in the table under section
19 4101.

\$1,200,000



**21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
SESSIONS OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES**

AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. SESSIONS OF TEXAS

Page 345, after line 8, insert the following:

1 **SEC. 731. PILOT PROGRAM ON PAYMENT FOR TREATMENT**
2 **OF MEMBERS OF THE ARMED FORCES AND**
3 **VETERANS FOR TRAUMATIC BRAIN INJURY**
4 **AND POST-TRAUMATIC STRESS DISORDER.**

5 (a) **PAYMENT PROCESS.**—The Secretary of Defense
6 and the Secretary of Veterans Affairs shall carry out a
7 five-year pilot program under which each such Secretary
8 shall establish a process through which each Secretary
9 shall provide payment for treatments (including diagnostic
10 testing) of traumatic brain injury or post-traumatic stress
11 disorder received by members of the Armed Forces and
12 veterans in health care facilities other than military treat-
13 ment facilities or Department of Veterans Affairs medical
14 facilities. Such process shall provide that payment be
15 made directly to the health care facility furnishing the
16 treatment.

17 (b) **CONDITIONS FOR PAYMENT.**—The approval by a
18 Secretary for payment for a treatment pursuant to sub-
19 section (a) shall be subject to the following conditions:

1 (1) Any drug or device used in the treatment
2 must be approved or cleared by the Food and Drug
3 Administration for any purpose.

4 (2) The treatment must have been approved by
5 an institutional review board operating in accordance
6 with regulations issued by the Secretary of Health
7 and Human Services.

8 (3) The treatment (including any patient disclo-
9 sure requirements) must be used by the health care
10 provider delivering the treatment.

11 (4) The patient receiving the treatment must
12 demonstrate an improvement as a result of the
13 treatment on one or more of the following:

14 (A) Standardized independent pre-treat-
15 ment and post-treatment neuropsychological
16 testing.

17 (B) Accepted survey instruments.

18 (C) Neurological imaging.

19 (D) Clinical examination.

20 (5) The patient receiving the treatment must be
21 receiving the treatment voluntarily.

22 (6) The patient receiving the treatment may not
23 be a retired member of the uniformed services or of
24 the Armed Forces who is entitled to benefits under

1 part A, or eligible to enroll under part B, of title
2 XVIII of the Social Security Act.

3 (c) ADDITIONAL RESTRICTIONS PROHIBITED.—Ex-
4 cept as provided in this subsection (b), no restriction or
5 condition for reimbursement may be placed on any health
6 care provider that is operating lawfully under the laws of
7 the State in which the provider is located with respect to
8 the receipt of payment under this section.

9 (d) PAYMENT DEADLINE.—The Secretary of Defense
10 and the Secretary of Veterans Affairs shall make a pay-
11 ment for a treatment pursuant to subsection (a) not later
12 than 30 days after a member of the Armed Forces or vet-
13 eran (or health care provider on behalf of such member
14 or veteran) submits to the Secretary documentation re-
15 garding the treatment. The Secretary of Defense and the
16 Secretary of Veterans Affairs shall ensure that the docu-
17 mentation required under this subsection may not be an
18 undue burden on the member of the Armed Forces or vet-
19 eran or on the health care provider.

20 (e) PAYMENT AUTHORITY.—

21 (1) DEPARTMENT OF DEFENSE.—The Sec-
22 retary of Defense shall make payments under this
23 section for treatments received by members of the
24 Armed Forces using the authority in subsection

1 (c)(1) of section 1074 of title 10, United States
2 Code.

3 (2) DEPARTMENT OF VETERANS AFFAIRS.—

4 The Secretary of Veterans Affairs shall make pay-
5 ments under this section for treatments received by
6 veterans using the authority in section 1728 of title
7 38, United States Code.

8 (f) PAYMENT AMOUNT.—A payment under this sec-
9 tion shall be made at the equivalent Centers for Medicare
10 and Medicaid Services reimbursement rate in effect for ap-
11 propriate treatment codes for the State or territory in
12 which the treatment is received. If no such rate is in effect,
13 payment shall be made at a fair market rate, as deter-
14 mined by the Secretary of Defense, in consultation with
15 the Secretary of Health and Human Services, with respect
16 to a patient who is a member of the Armed Forces or
17 the Secretary of Veterans Affairs with respect to a patient
18 who is a veteran.

19 (g) DATA COLLECTION AND AVAILABILITY.—

20 (1) IN GENERAL.—The Secretary of Defense
21 and the Secretary of Veterans Affairs shall jointly
22 develop and maintain a database containing data
23 from each patient case involving the use of a treat-
24 ment under this section. The Secretaries shall en-

1 sure that the database preserves confidentiality and
2 be made available only—

3 (A) for third-party payer examination;

4 (B) to the appropriate congressional com-
5 mittees and employees of the Department of
6 Defense, the Department of Veterans Affairs,
7 the Department of Health and Human Services,
8 and appropriate State agencies; and

9 (C) to the primary investigator of the insti-
10 tutional review board that approved the treat-
11 ment, in the case of data relating to a patient
12 case involving the use of such treatment.

13 (2) ENROLLMENT IN INSTITUTIONAL REVIEW
14 BOARD STUDY.—In the case of a patient enrolled in
15 a registered institutional review board study, results
16 may be publically distributable in accordance with
17 the regulations prescribed pursuant to the Health
18 Insurance Portability and Accountability Act of
19 1996 (Public Law 104–191) and other regulations
20 and practices in effect as of the date of the enact-
21 ment of this Act.

22 (3) QUALIFIED INSTITUTIONAL REVIEW
23 BOARDS.—The Secretary of Defense and the Sec-
24 retary of Veterans Affairs shall each ensure that the
25 Internet Web site of their respective departments in-

1 cludes a list of all civilian institutional review board
2 studies that have received a payment under this sec-
3 tion.

4 (h) ASSISTANCE FOR MEMBERS TO OBTAIN TREAT-
5 MENT.—

6 (1) ASSIGNMENT TO TEMPORARY DUTY.—The
7 Secretary of a military department may assign a
8 member of the Armed Forces under the jurisdiction
9 of the Secretary to temporary duty or allow the
10 member a permissive temporary duty in order to
11 permit the member to receive treatment for trau-
12 matic brain injury or post-traumatic stress disorder,
13 for which payments shall be made under subsection
14 (a), at a location beyond reasonable commuting dis-
15 tance of the member's permanent duty station.

16 (2) PAYMENT OF PER DIEM.—A member who is
17 away from the member's permanent station may be
18 paid a per diem in lieu of subsistence in an amount
19 not more than the amount to which the member
20 would be entitled if the member were performing
21 travel in connection with a temporary duty assign-
22 ment.

23 (3) GIFT RULE WAIVER.—Notwithstanding any
24 rule of any department or agency with respect to
25 ethics or the receipt of gifts, any assistance provided

1 to a member of the Armed Forces with a service-
2 connected injury or disability for travel, meals, or
3 entertainment incidental to receiving treatment
4 under this section, or for the provision of such treat-
5 ment, shall not be subject to or covered by any such
6 rule.

7 (i) RETALIATION PROHIBITED.—No retaliation may
8 be made against any member of the Armed Forces or vet-
9 eran who receives treatment as part of registered institu-
10 tional review board study carried out by a civilian health
11 care practitioner.

12 (j) TREATMENT OF UNIVERSITY AND NATIONALLY
13 ACCREDITED INSTITUTIONAL REVIEW BOARDS.—For
14 purposes of this section, a university-affiliated or nation-
15 ally accredited institutional review board shall be treated
16 in the same manner as a Government institutional review
17 board.

18 (k) MEMORANDA OF UNDERSTANDING.—The Sec-
19 retary of Defense and the Secretary of Veterans Affairs
20 shall seek to expeditiously enter into memoranda of under-
21 standings with civilian institutional review boards de-
22 scribed in subsection (j) for the purpose of providing for
23 members of the Armed Forces and veterans to receive
24 treatment carried out by civilian health care practitioners
25 under a treatment approved by and under the oversight

1 of civilian institutional review boards that would qualify
2 for payment under this section.

3 (l) OUTREACH REQUIRED.—

4 (1) OUTREACH TO VETERANS.—The Secretary
5 of Veterans Affairs shall notify each veteran with a
6 service-connected injury or disability of the oppor-
7 tunity to receive treatment pursuant to this section.

8 (2) OUTREACH TO MEMBERS OF THE ARMED
9 FORCES.—The Secretary of Defense shall notify
10 each member of the Armed Forces with a service-
11 connected injury or disability of the opportunity to
12 receive treatment pursuant to this section.

13 (m) REPORT TO CONGRESS.—Not later than 30 days
14 after the last day of each fiscal year during which the Sec-
15 retary of Defense and the Secretary of Veterans Affairs
16 are authorized to make payments under this section, the
17 Secretaries shall jointly submit to Congress an annual re-
18 port on the implementation of this section. Such report
19 shall include each of the following for that fiscal year:

20 (1) The number of individuals for whom the
21 Secretary has provided payments under this section.

22 (2) The condition for which each such indi-
23 vidual receives treatment for which payment is pro-
24 vided under this section and the success rate of each
25 such treatment.

1 (3) Treatment methods that are used by enti-
2 ties receiving payment provided under this section
3 and the respective rate of success of each such meth-
4 od.

5 (4) The recommendations of the Secretaries
6 with respect to the integration of treatment methods
7 for which payment is provided under this section
8 into facilities of the Department of Defense and De-
9 partment of Veterans Affairs.

10 (n) TERMINATION.—The authority to make a pay-
11 ment under this section shall terminate on the date that
12 is five years after the date of the enactment of this Act.

13 (o) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to carry out this section
15 \$10,000,000 for each fiscal year during which the Sec-
16 retary of Veterans Affairs and the Secretary of Defense
17 are authorized to make payments under this section.

18 (p) FUNDING INCREASE AND OFFSETTING REDUC-
19 TION.—

20 (1) IN GENERAL.—Notwithstanding the
21 amounts set forth in the funding tables in division
22 D, to carry out this section during fiscal year
23 2012—

24 (A) the amount authorized to be appro-
25 priated in section 1406 for the Defense Health

1 Program, as specified in the corresponding
2 funding table in division D, is hereby increased
3 by \$10,000,000, with the amount of the in-
4 crease allocated to the Defense Health Pro-
5 gram, as set forth in the table under section
6 4501, to carry out this section; and

7 (B) the amount authorized to be appro-
8 priated in section 101 for other procurement,
9 Army, as specified in the corresponding funding
10 table in division D, is hereby reduced by
11 \$10,000,000, with the amount of the reduction
12 to be derived from Joint Tactical Radio System,
13 ground-mobile radio program under Line 039
14 Joint Tactical Radio System as set forth in the
15 table under section 4101.

16 (2) MERIT-BASED OR COMPETITIVE DECI-
17 SIONS.—A decision to commit, obligate, or expend
18 funds referred to in paragraph (1)(A) with or to a
19 specific entity shall—

20 (A) be based on merit-based selection pro-
21 cedures in accordance with the requirements of
22 sections 2304(k) and 2374 of title 10, United
23 States Code, or on competitive procedures; and

1 (B) comply with other applicable provisions
2 of law.



**22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
PASCRELL JR. OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. PASCRELL OF NEW JERSEY**

Page 345, after line 8, insert the following:

1 **SEC. 731. TRANSFER OF DEFENSE CENTERS OF EXCEL-**
2 **LENCE FOR PSYCHOLOGICAL HEALTH AND**
3 **TRAUMATIC BRAIN INJURY.**

4 (a) IN GENERAL.—The Secretary of Defense shall
5 develop a plan to transfer the Defense Centers of Excel-
6 lence for Psychological Health and Traumatic Brain In-
7 jury from the TRICARE Management Activity to a mili-
8 tary department, as determined by the Secretary.

9 (b) NOTIFICATION.—Not later than 180 days after
10 the date of the enactment of this Act, the Secretary shall
11 notify the congressional defense committees of the plan
12 under subsection (a), including the military department
13 determined by the Secretary.



**23. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
PASCRELL JR. OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. PASCRELL OF NEW JERSEY**

Page 345, after line 8, insert the following:

1 **SEC. 731. REPORT ON MEMORANDUM REGARDING TRAU-**
2 **MATIC BRAIN INJURIES.**

3 Not later than 180 days after the date of the enact-
4 ment of this Act, the Secretary of Defense shall submit
5 to the congressional defense committees a report on how
6 the Secretary will identify, refer, and treat traumatic brain
7 injuries with respect to members of the Armed Forces who
8 served in Operation Enduring Freedom or Operation Iraqi
9 Freedom before the date in June, 2010, on which the
10 memorandum regarding using a 50-meter distance from
11 an explosion as a criterion to properly identify, refer, and
12 treat members for potential traumatic brain injury took
13 effect.



**24. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
SARBANES OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR
10 MINUTES**

AMENDMENT TO H.R. 1540, AS REPORTED

OFFERED BY MR. SARBANES OF MARYLAND, Mr. Reyes of Texas

Strike section 937.



Ms. Hanabusa of Hawaii and
Mr. Loeb sack of Iowa and
Mr. Langerin of Rhode Island

**25. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MURPHY OF CONNECTICUT OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. MURPHY OF CONNECTICUT**

At the end of subtitle E of title VIII, add the following new section:

**1 SEC. 845. CONSIDERATION AND VERIFICATION OF INFOR-
2 MATION RELATING TO EFFECT ON DOMESTIC
3 EMPLOYMENT OF AWARD OF DEFENSE CON-
4 TRACTS.**

5 (a) IN GENERAL.—Section 2305(a) of title 10,
6 United States Code, is amended by adding at the end the
7 following new paragraph:

8 “(6)(A) The head of an agency, in issuing a solicita-
9 tion for competitive proposals, shall state in the solicita-
10 tion that the agency may consider information (in this
11 paragraph referred to as a ‘jobs impact statement’) that
12 the offeror may include in its offer related to the effects
13 on employment within the United States of the contract
14 if it is awarded to the offeror.

15 “(B) The information that may be included in a jobs
16 impact statement may include the following:

17 “(i) The number of jobs expected to be created
18 in the United States, or the number of jobs retained

1 that otherwise would be lost, if the contract is
2 awarded to the offeror.

3 “(ii) The number of jobs created or retained in
4 the United States by the subcontractors expected to
5 be used by the offeror in the performance of the con-
6 tract.

7 “(iii) A guarantee from the offeror that jobs
8 created or retained in the United States will not be
9 moved outside the United States after award of the
10 contract.

11 “(C) The contracting officer may consider the infor-
12 mation in the jobs impact statement in the evaluation of
13 the offer and may request further information from the
14 offeror in order to verify the accuracy of any such informa-
15 tion submitted.

16 “(D) In the case of a contract awarded to an offeror
17 that submitted a jobs impact statement with the offer for
18 the contract, the agency shall, not later than six months
19 after the award of the contract and annually thereafter
20 for the duration of the contract or contract extension, as-
21 sess the accuracy of the jobs impact statement.

22 “(E) The Secretary of Defense shall submit to Con-
23 gress an annual report on the frequency of use within the
24 Department of Defense of jobs impact statements in the
25 evaluation of competitive proposals.

1 “(F) In any contract awarded to an offeror that sub-
2 mitted a jobs impact statement with its offer in response
3 to the solicitation for proposals for the contract, the agen-
4 cy shall track the number of jobs created or retained dur-
5 ing the performance of the contract. If the number of jobs
6 that the agency estimates will be created (by using the
7 jobs impact statement) significantly exceeds the number
8 of jobs created or retained, then the agency may evaluate
9 whether the contractor should be proposed for debar-
10 ment.”.

11 (b) REVISION OF FEDERAL ACQUISITION REGULA-
12 TION.—The Federal Acquisition Regulation shall be re-
13 vised to implement the amendment made by this section.



**26. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MALONEY OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR
10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MRS. MALONEY OF NEW YORK**

At the end of subtitle E of title VIII, add the following new section:

1 **SEC. 845. PUBLIC DISCLOSURE OF SENIOR DEPARTMENT**
2 **OF DEFENSE OFFICIALS EMPLOYED WITH DE-**
3 **FENSE CONTRACTORS.**

4 (a) AMENDMENT.—Section 847 of the National De-
5 fense Authorization Act for Fiscal Year 2008 (Public Law
6 110–181; 122 Stat. 243; 10 U.S.C. 1701 note) is amended
7 by adding at the end the following new subsection:

8 “(e) PUBLIC AVAILABILITY.—Not later than 30 days
9 after the provision of the written opinion under subsection
10 (a)(3), the Secretary of Defense shall publish on a publicly
11 available website the information submitted under this
12 section, including the names of each official or former offi-
13 cial described in subsection (a)(1) and the contractor from
14 whom such official or former official expects to receive
15 compensation.”.

16 (b) PREVIOUSLY SUBMITTED INFORMATION.—With
17 respect to the publication of information required by sub-
18 section (e) of section 847 of the National Defense Author-
19 ization Act for Fiscal Year 2008 (Public Law 110–181;

1 122 Stat. 243; 10 U.S.C. 1701 note), as added by sub-
2 section (a), for information that was submitted before the
3 date of the enactment of this Act, the Secretary of Defense
4 shall publish such information on a publicly available
5 website not later than 30 days after the date of the enact-
6 ment of this Act.



27. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COLE
OF OKLAHOMA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. COLE OF OKLAHOMA**

At the end of subtitle E of title VIII, add the following new section:

**1 SEC. 845. PROHIBITION ON DISCLOSURE OF POLITICAL
2 CONTRIBUTIONS.**

3 (a) IN GENERAL.—Chapter 47 of title 41, United
4 States Code, is amended by adding at the end the following new section:

**6 “§ 4712. Prohibition on disclosure of political contributions
7**

8 “(a) PROHIBITION.—An executive agency may not require an entity submitting an offer for a Federal contract
9 or otherwise participating in acquisition of property or
10 services by the Federal Government to disclose any of the
11 following information as a condition of submitting the
12 offer or otherwise participating in such acquisition:

14 “(1) Any payment consisting of a contribution,
15 expenditure, independent expenditure, or disbursement
16 for an electioneering communication that is
17 made by the entity, its officers or directors, or any
18 of its affiliates or subsidiaries to a candidate for
19 election for Federal office or to a political com-

1 mittee, or that is otherwise made with respect to any
2 election for Federal office.

3 “(2) Any disbursement of funds (other than a
4 payment described in paragraph (1)) made by the
5 entity, its officers or directors, or any of its affiliates
6 or subsidiaries to any individual or entity with the
7 intent or the reasonable expectation that the indi-
8 vidual or entity will use the funds to make a pay-
9 ment described in paragraph (1).

10 “(b) NO EFFECT ON OTHER DISCLOSURE REQUIRE-
11 MENTS.—Nothing in this section may be construed to
12 waive or otherwise affect the application to an entity de-
13 scribed in subsection (a) of any provision of law (including
14 the Federal Election Campaign Act of 1971) that requires
15 the entity to disclose information on contributions, ex-
16 penditures, independent expenditures, or electioneering
17 communications.

18 “(c) DEFINITIONS.—In this section—

19 “(1) each of the terms ‘contribution’, ‘expendi-
20 ture’, ‘independent expenditure’, ‘electioneering com-
21 munication’, ‘candidate’, ‘election’; and ‘Federal of-
22 fice’ has the meaning given such term in the Federal
23 Election Campaign Act of 1971 (2 U.S.C. 431 et
24 seq.); and

1 “(2) the term ‘acquisition’ has the meaning
2 given that term in section 131 of this title.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENT.—

4 The table of contents for chapter 47 of title 41, United
5 States Code, is amended by inserting after the item relat-
6 ing to section 4711 the following new item:

 “4712. Prohibition on disclosure of political contributions.”.



**28. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
GARAMENDI OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. GARAMENDI OF CALIFORNIA**

At the end of title VIII, add the following new section:

**1 SEC. 845. REQUIREMENT TO SET ASIDE WORK FOR LOCAL
2 QUALIFIED SUBCONTRACTORS.**

3 The Secretary of Defense shall require each contractor of the Department of Defense performing a prime
4 contract at a military installation in the United States to
5 set aside 40 percent, by dollar value, of its subcontracting
6 work under the contract for local qualified subcontractors.
7 For purposes of the preceding sentence, a subcontractor
8 shall be considered local if its headquarters is within 60
9 miles of the military installation.
10



**29. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
WATERS OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR
10 MINUTES**

122K

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MS. WATERS OF CALIFORNIA**

At the end of title VIII, add the following new section:

**1 SEC. 845. PREFERENCE FOR POTENTIAL CONTRACTORS
2 THAT CARRY OUT CERTAIN ACTIVITIES.**

3 In evaluating offers submitted in response to a solicitation for contracts, the Secretary of Defense shall provide
4 a preference to any offeror that—

5 (1) enhances undergraduate, graduate, and doctoral programs in science, technology, engineering
6 and math (in this section referred to as “STEM” disciplines);

7 (2) makes investments, such as programming and curriculum development, in STEM programs
8 within elementary and secondary schools;

9 (3) encourages employees to volunteer in Title I schools in order to enhance STEM education and
10 programs;

11 (4) makes personnel available to advise and assist faculty at such colleges and universities in the
12 performance of STEM research and disciplines critical to the functions of the Department of Defense;
13
14
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1 (5) establishes partnerships between the offeror
2 and historically Black colleges and universities and
3 minority institutions for the purpose of training stu-
4 dents in scientific disciplines;

5 (6) awards scholarships and fellowships, and es-
6 tablishes cooperative work-education programs in
7 scientific disciplines; or

8 (7) conducts recruitment activities at histori-
9 cally black colleges and universities and other minor-
10 ity-serving institutions or offers internships or ap-
11 prenticeships.



**30. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HIMES
OF CONNECTICUT OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES**

Jim Himes

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. HIMES**

Page 414, line 4, strike “and”.

Page 414, line 20, strike the period and insert “;
and”.

Page 414, after line 20, insert the following:

- 1 (5) by adding at the end the following:
- 2 “(h) DIRECTION OF FUNDS.—Any savings realized
- 3 under this section shall be deposited into the general fund
- 4 of the Treasury and used for deficit reduction.”.



31. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MS. JACKSON LEE OF TEXAS**

Page 417, after line 7, insert the following:

**1 SEC. 941. ASSESSMENT OF CONTRACTOR PERFORMANCE
2 OF CERTAIN FUNCTIONS ON SMALL BUSI-
3 NESS CONCERNS OWNED AND CONTROLLED
4 BY WOMEN AND MINORITIES.**

5 No Department of Defense function that is per-
6 formed by Department of Defense civilian employees and
7 is tied to a certain military base may be converted to per-
8 formance by a contractor until the Secretary of Defense
9 conducts an outreach program to benefit small business
10 concerns owned and controlled by women (as such term
11 is defined in section 8(d)(3)(D) of the Small Business Act)
12 and small business concerns owned and controlled by so-
13 cially and economically disadvantaged individuals (as such
14 term is defined in section 8(d)(3)(C) of the Small Business
15 Act) that are located in the geographic area near the mili-
16 tary base.



**32. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
ANDREWS OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR
10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. ANDREWS OF NEW JERSEY**

Page 417, after line 7, insert the following (and conform the table of contents accordingly):

1 **SEC. 941. TEMPORARY SUSPENSION OF IMPLEMENTATION**
2 **AND ENFORCEMENT OF WORKFORCE MAN-**
3 **AGEMENT AND SOURCING POLICES PURSU-**
4 **ANT TO "EFFICIENCY INITIATIVE".**

5 (a) TEMPORARY SUSPENSION.—During the period
6 beginning on the date of enactment of this Act and ending
7 on the date that is 60 days after the first date on which
8 the Secretary of Defense has submitted to the congress-
9 sional defense committees both the report required in sub-
10 section (b) and the certification required under subsection
11 (c), no workforce management and sourcing policies, direc-
12 tives, guidance, or memoranda issued pursuant to the De-
13 partment of Defense's "Efficiency Initiative" may be an-
14 nounced, carried out, continued, implemented, or enforced.

15 (b) REPORT REQUIRED.—The Secretary of Defense,
16 acting through the Under Secretary of Defense for Per-
17 sonnel and Readiness, shall undertake a comprehensive re-
18 view of the workforce management and sourcing policies
19 announced by the Department of Defense pursuant to the

1 “Efficiency Initiative” and submit to the congressional de-
2 fense committees a report that describes alternative poli-
3 cies that—

4 (1) ensure performance decisions are based on
5 law, risk, policy, and cost;

6 (2) reflect a total force policy that takes into
7 account the strengths and capacities of active and
8 reserve components, civil servants, contractors, and
9 retired military personnel in achieving national secu-
10 rity objectives and missions; and

11 (3) are consistent with the statutory framework
12 for workforce management and sourcing, including
13 sections 129 and 129a of title 10, United States
14 Code.

15 (c) CERTIFICATION REQUIRED.—The Secretary of
16 Defense shall publish in the Federal Register and submit
17 to the congressional defense committees a certification
18 that—

19 (1) the Secretary of Defense has completed and
20 submitted to the congressional defense committees a
21 complete inventory of contracts for services for or on
22 behalf of the Department in compliance with the re-
23 quirements of subsection (c) of section 2330a of title
24 10, United States Code; and

1 (2) the Secretary of each military department
2 and the head of each Defense Agency responsible for
3 activities in the inventory has initiated the review
4 and planning activities of subsection (e) of such sec-
5 tion.

6 (d) COMPTROLLER GENERAL REVIEW.—Not later
7 than 30 days after the first date on which both the report
8 required under subsection (b) and the certification re-
9 quired under subsection (c) have been submitted to the
10 congressional defense committees, the Comptroller Gen-
11 eral shall conduct an assessment of the report required
12 under subsection (b), determine whether the Department
13 of Defense is compliant with the certification requirement
14 in subsection (c), and submit to the congressional defense
15 committees a report on the findings resulting from those
16 activities.



33. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LEE OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MS. LEE OF CALIFORNIA

At the end of subtitle A of title X of division A, add
the following new section:

1 **SEC. 10__ . LIMITATION IN FUNDING LEVEL TO FISCAL**
2 **YEAR 2008 FUNDING LEVEL.**

3 (a) IN GENERAL.—Notwithstanding any other provi-
4 sion of law, no funds are authorized to be made available
5 under this division for any account of the Department of
6 Defense (other than accounts listed in subsection (b)) in
7 excess of the amount made available for such account for
8 fiscal year 2008.

9 (b) EXEMPTED ACCOUNTS.—The accounts exempted
10 pursuant to this subsection are the following accounts:

11 (1) Military personnel, reserve personnel, and
12 National Guard personnel accounts of the Depart-
13 ment of Defense.

14 (2) The Defense Health Program account.



- 34. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
HAYWORTH OF NEW YORK OR HER DESIGNEE, DEBATABLE
FOR 10 MINUTES**

20AL
R

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MS. HAYWORTH OF NEW YORK**

Page 429, after line 13, insert the following:

1 **SEC. 965. SENSE OF CONGRESS REGARDING THE PERFORM-**
2 **ANCE OF COMMERCIALLY-AVAILABLE ACTIVI-**
3 **TIES BY DEPARTMENT OF DEFENSE CIVILIAN**
4 **EMPLOYEES.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—

7 (1) our Nation's economic strength is charac-
8 terized by individual freedom and the competitive
9 enterprise system, and as such, the Federal Govern-
10 ment should not compete with its citizens and pri-
11 vate enterprise;

12 (2) in recognition of this policy, the Govern-
13 ment should rely on commercially available sources
14 to provide commercial products and services and
15 should not start or carry on any activity to provide
16 a commercial product or service if the product or
17 service can be procured more economically from a
18 commercial source; and

19 (3) the Department of Defense should not con-
20 vert the performance of any function from perform-

1 ance by a contractor to performance by Department
2 of Defense civilian employees unless the function is
3 inherently governmental in nature.

4 (b) DEFINITION OF INHERENTLY GOVERN-
5 MENTAL.—In this section, the term “inherently govern-
6 mental” has the meaning given that term in section 5(2)
7 of the Federal Activities Inventory Reform Act of 1998
8 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501
9 note).



**35. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
CUELLAR OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES**

Revised
#1

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. CUELLAR OF TEXAS**

Page 431, line 13, strike "**Counter-Drug Activities**" and insert "**Counter-Drug Activities and Counter Transnational Criminal Activities**".

At the end of subtitle B of title X (page 434, after line 7), add the following new section:

1 **SEC. 1015. MITIGATION OF NATIONAL SECURITY THREATS**
2 **ALONG THE BORDER OF THE UNITED STATES**
3 **AND MEXICO.**

4 (a) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that—

6 (1) the Secretary of Defense should continue to
7 increase intelligence and technology sharing informa-
8 tion and capability with the Secretary of Homeland
9 Security and other agencies to mitigate national se-
10 curity threats along the international border between
11 the United States and Mexico, including threats of
12 infiltration and border breaches by transnational
13 criminal organizations; and

1 (2) the Secretary of Defense should strongly
2 consider operationally testing, along the inter-
3 national border between the United States and Mex-
4 ico, emerging technology capabilities developed for
5 the purposes of detection, intelligence, and surveil-
6 lance.

7 (b) CONGRESSIONAL BRIEFING.—Not later than 90
8 days after the date of the enactment of this Act, the Sec-
9 retary of Defense shall brief the congressional defense
10 committees on the effectiveness of the ongoing collabo-
11 rative programs with the Government of Mexico intended
12 to strengthen the capability of Mexican forces to detect
13 and deter infiltration of the United States border and
14 other national security threats by transnational crime or-
15 ganizations.



**36. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
HUNTER OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR
10 MINUTES**

85R

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. HUNTER OF CALIFORNIA**

Page 438, after line 2, insert the following:

1 **SEC. 1022. NAMING OF NAVAL VESSEL AFTER UNITED**
2 **STATES MARINE CORPS SERGEANT RAFAEL**
3 **PERALTA.**

4 Congress strongly encourages the Secretary of the
5 Navy to name the next available Naval vessel after United
6 States Marine Corps Sergeant Rafael Peralta.



**37. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
RICHMOND OF LOUISIANA OR HIS DESIGNEE, DEBATABLE FOR
10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. RICHMOND OF LOUISIANA**

Page 438, after the matter after line 2, insert the following:

1 SEC. 1022. PROHIBITION ON PAYMENT OF FUNDS RELATED
2 TO CLOSURE OF CERTAIN SHIPYARD FACIL-
3 ITY.

4 The Secretary of Defense may not make any pay-
5 ments pursuant to section 2325 of title 10, United States
6 Code, to a contractor related to the restructuring or clo-
7 sure of the shipyard manufacturing complex located in
8 Avondale, Louisiana.



**38. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MICA
OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. MICA OF FLORIDA**

At the end of subtitle H of title X, add the following
new section:

**1 SEC. 1085. RULES OF ENGAGEMENT FOR MEMBERS OF THE
2 ARMED FORCES DEPLOYED IN DESIGNATED
3 HOSTILE FIRE AREAS.**

4 The Secretary of Defense shall ensure that the rules
5 of engagement applicable to members of the Armed Forces
6 assigned to duty in any hostile fire area designated for
7 purposes of section 310 or 351(a)(1) of title 37, United
8 States Code—

9 (1) fully protect the members' right to bear
10 arms; and

11 (2) authorize the members to fully defend them-
12 selves from hostile actions.



**39. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLAKE
OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. FLAKE OF ARIZONA**

At the end of subtitle H of title X, add the following:

**1 SEC. 1085. SENSE OF CONGRESS REGARDING DEPLOYMENT
2 OF NATIONAL GUARD TO SOUTHWESTERN
3 BORDER OF UNITED STATES.**

4 It is the sense of the Congress that the deployment
5 of National Guard personnel (as defined in section 101(c)
6 of title 10, United States Code) along the southwestern
7 border of the United States for the purposes of assisting
8 United States Customs and Border Protection in securing
9 the international border between the United States and
10 Mexico, should continue through the end of fiscal year
11 2011.



**40. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLAKE
OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. FLAKE OF ARIZONA**

At the end of subtitle I of title X, insert the following:

**1 SEC. 1099C. CLOSING OF NATIONAL DRUG INTELLIGENCE
2 CENTER.**

3 Section 9078 of the Department of Defense Appro-
4 priations Act, 1993 (Public Law 102-396; 106 Stat.
5 1919) is amended by striking "There is established" and
6 all that follows through "That section 8083" and inserting
7 "Section 8083".



41. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHAKOWSKY OF ILLINOIS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MS. SCHAKOWSKY OF ILLINOIS**

At the end of subtitle F of title X, add the following
new section:

**1 SEC. 1068. FREEZE IN BUDGET OF DEPARTMENT OF DE-
2 FENSE UNTIL UNQUALIFIED AUDIT OPINIONS
3 ACHIEVED.**

4 (a) FREEZE.—

5 (1) IN GENERAL.—Unless and until the require-
6 ment specified in paragraph (2) is met for the entire
7 Department of Defense, except as provided in sub-
8 section (b), the aggregate amount of funds appro-
9 priated or otherwise made available for military
10 functions administered by the Department of De-
11 fense (other than the functions excluded by sub-
12 section (c)) for a fiscal year may not exceed—

13 (A) in the case of fiscal year 2012, the ag-
14 gregate amount of funds appropriated or other-
15 wise made available for military functions ad-
16 ministered by the Department of Defense (other
17 than the functions excluded by subsection (b))
18 for fiscal year 2011; and

1 (B) in each fiscal year after fiscal year
2 2012, the aggregate amount of funds appro-
3 priated or otherwise made available for such
4 functions for the previous fiscal year.

5 (2) REQUIREMENT FOR UNQUALIFIED AUDIT
6 OPINION.—The requirement of this paragraph is
7 that the Department of Defense (including every
8 major Pentagon component and every major defense
9 acquisition program of the Department) is certified
10 by the Inspector General of the Department of De-
11 fense or an independent public accountant as achiev-
12 ing an unqualified audit opinion.

13 (b) WAIVER.—The President may waive subsection
14 (a) with respect to a component or program of the Depart-
15 ment if the President certifies that applying the subsection
16 to that component or program would harm national secu-
17 rity or members of the Armed Forces who are in combat.

18 (c) EXCLUSION OF OVERSEAS CONTINGENCY OPER-
19 ATIONS AND MILITARY PERSONNEL PAY AND BENE-
20 FITS.—In determining the aggregate amount of funds ap-
21 propriated or otherwise made available for military func-
22 tions administered by the Department of Defense for fiscal
23 year 2012 or any subsequent fiscal year for purposes of
24 subsection (a), there shall be excluded all amounts appro-
25 priated or otherwise made available—

1 (1) in any supplemental appropriations Act; or

2 (2) in any general appropriations Acts for—

3 (A) overseas contingency operations;

4 (B) military personnel, reserve personnel,

5 and National Guard personnel accounts of the

6 Department of Defense, generally title I of the

7 annual Department of Defense appropriations

8 Act; and

9 (C) wounded warrior programs of the De-

10 partment of Defense.



**42. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SMITH
OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES**

59

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. SMITH OF WASHINGTON**

Page 456, line 13, insert before the period at the end the following: “, except for the purpose of prosecuting such individual in a United States court”.

Page 456, starting on line 14, strike subsection (b) and insert the following:

1 (b) INDIVIDUAL DESCRIBED.—An individual de-
2 scribed in this subsection is an individual who is not a
3 citizen of the United States or a member of the Armed
4 Forces.

Page 456, after line 23, insert the following:

5 (c) TRANSFER LIMITATION.—During fiscal year
6 2012, the Secretary of Defense may not use any of the
7 amounts authorized to be appropriated in this Act or oth-
8 erwise available to the Department of Defense to transfer
9 any individual described in subsection (b) to the United
10 States, its territories, or possessions, until 45 days after
11 the President has submitted to the congressional defense
12 committees the plan described in subsection (d).

13 (d) COMPREHENSIVE PLAN REQUIRED.—The Presi-
14 dent shall submit to the congressional defense committees

1 a plan for the disposition of each individual described in
2 subsection (b) who is proposed to be transferred to the
3 United States, its territories, or possessions. Such plan for
4 each individual shall include, at a minimum—

5 (1) an assessment of the risk that the indi-
6 vidual described in subsection (b) poses to the na-
7 tional security of the United States, its territories,
8 or possessions;

9 (2) a proposal for the disposition of each such
10 individual;

11 (3) the measures to be taken to mitigate any
12 risks described in paragraph (1);

13 (4) the location or locations at which the indi-
14 vidual will be held under the proposal for disposition
15 required by paragraph (2);

16 (5) the costs associated with executing the plan,
17 including technical and financial assistance required
18 to be provided to State and local law enforcement
19 agencies, if necessary, to carry out the plan;

20 (6) a summary of the consultation required in
21 subsection (e); and

22 (7) a certification by the Attorney General that
23 under the plan the individual poses little or no secu-
24 rity risk to the United States, its territories, or pos-
25 sessions.

1 (e) CONSULTATION REQUIRED.—The President shall
2 consult with the chief executive of the State, the District
3 of Columbia, or the territory or possession of the United
4 States to which the disposition in subsection (d)(2) in-
5 cludes transfer to that State, District of Columbia, or ter-
6 ritory or possession.



**43. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
BUCHANAN OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. BUCHANAN OF FLORIDA**

Page 461, after line 24, insert the following:

1 SEC. 1043. TRIAL OF FOREIGN TERRORISTS.

2 After the date of the enactment of this Act, any for-
3 eign national, who—

4 (1) engages or has engaged in conduct consti-
5 tuting an offense relating to a terrorist attack
6 against persons or property in the United States or
7 against any United States Government property or
8 personnel outside the United States; and

9 (2) is subject to trial for that offense by a mili-
10 tary commission under chapter 47A of title 10,
11 United States Code;
12 shall be tried for that offense only by a military commis-
13 sion under that chapter.



44. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
HANABUSA OF HAWAII OR HER DESIGNEE, DEBATABLE FOR 10
MINUTES

46

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MS. HANABUSA OF HAWAII**

Page 461, after line 24, insert the following:

1 **SEC. 1043. PROHIBITION ON UNITED STATES CITIZENSHIP**
2 **FOR DETAINEES REPATRIATED TO THE FED-**
3 **ERATED STATES OF MICRONESIA, THE RE-**
4 **PUBLIC OF PALAU, AND THE REPUBLIC OF**
5 **THE MARSHALL ISLANDS.**

6 (a) PROHIBITION ON CITIZENSHIP.—Notwith-
7 standing the Compact of Free Association, an individual
8 described in subsection (b) who has been repatriated to
9 the Federated States of Micronesia, the Republic of Palau,
10 or the Republic of the Marshall Islands may not be af-
11 forded the rights and benefits put forth in the Compact
12 of Free Association.

13 (b) INDIVIDUAL DESCRIBED.—An individual de-
14 scribed in this subsection is an individual who—

15 (1) is not a citizen of the United States or a
16 member of the Armed Forces of the United States;
17 and

18 (2) is located at United States Naval Station,
19 Guantanamo Bay, Cuba, on or after September 11,
20 2001, while—

- 1 (A) in the custody or under the effective
- 2 control of the Department of Defense; or
- 3 (B) otherwise under detention at United
- 4 States Naval Station, Guantanamo Bay, Cuba.



**45. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
HANABUSA OF HAWAII OR HER DESIGNEE, DEBATABLE FOR 10
MINUTES**

Revised 40

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MS. HANABUSA OF HAWAII**

Page 507, after line 2, insert the following:

1 SEC. 1078. REPORT ON CERTAIN UNNECESSARY OR UN-
2 WANTED DEPARTMENT OF DEFENSE PRO-
3 GRAMS.

4 (a) FINDINGS.—Congress makes the following find-
5 ings:

6 (1) On March 31, 2011, Secretary of Defense
7 Gates testified before the Armed Services Committee
8 of the House of Representatives that the initial cost
9 of United States operations in Libya was approxi-
10 mately \$550,000,000 and was estimated to cost an
11 additional \$40,000,000 a month after that

12 (2) Secretary Gates testified that he was un-
13 aware of what the total cost of United States assist-
14 ance to Japan would be in the aftermath of the
15 earthquake tsunami and Fukushima Daiichi inci-
16 dent, but indicated it would be less than
17 \$500,000,000.

18 (3) Secretary Gates testified that the Depart-
19 ment of Defense would not need to ask for more
20 money to cover these costs within the Overseas Con-

1 tingency Operations accounts because “There’s sev-
2 eral billion dollars in there we can move
3 around. . .that would cover these costs. . .things
4 that we don’t need or want.”.

5 (b) DETERMINATION.—Not later than 30 days after
6 the date of the enactment of this Act, the Secretary of
7 Defense shall determine and make publically available the
8 programs funded through the Overseas Contingency Oper-
9 ations accounts during the five-year period preceding the
10 date of the enactment of this Act that are unnecessary
11 or unwanted.

12 (c) REPORT.—Not later than 120 days after the date
13 of the enactment of this Act, the Secretary of Defense
14 shall submit to the Committees on Armed Services of the
15 Senate and House of Representative a report that contains
16 the results of the determination required by subsection
17 (b). Such report shall include—

18 (1) a description of each program that the Sec-
19 retary determines is unnecessary or unwanted;

20 (2) a description of the amount authorized to
21 be appropriated and the amount authorized to be
22 appropriated for each fiscal year for each program
23 described under paragraph (1); and

1 (3) any other information the Secretary con-
2 siders relevant.



**46. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
TIERNEY OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. TIERNEY OF MASSACHUSETTS**

Add at the end of subtitle I of title X the following
(and conform the table of contents accordingly):

**1 SEC. 1099C. OFFICIAL RECOGNITION OF SALEM, MASSA-
2 CHUSETTS, AS THE BIRTHPLACE OF THE NA-
3 TIONAL GUARD OF THE UNITED STATES.**

4 (a) FINDINGS.—Congress makes the following find-
5 ings:

6 (1) In 1629, Captain John Endicott organized
7 the first militia in the Massachusetts Bay Colony in
8 Salem.

9 (2) The colonists had adopted the English mili-
10 tia system, which required all males between the
11 ages of 16 and 60 to possess arms and participate
12 in the defense of the community.

13 (3) In 1636, the Massachusetts General Court
14 ordered the organization of three militia regiments,
15 designated as the North, South, and East regiments.

16 (4) These regiments drilled once a week and
17 provided guard details each evening to sound the
18 alarm in case of attack.

1 (5) The East Regiment, the predecessor of the
2 101st Engineer Battalion, assembled as a regiment
3 for the first time in 1637 on the Salem Common,
4 marking the beginning of the Massachusetts Na-
5 tional Guard and the National Guard of the United
6 States.

7 (6) Since 1785, Salem's own Second Corps of
8 Cadets (101st and 102nd Field Artillery) has cele-
9 brated the anniversary of that first muster.

10 (7) As the policy contained in section 102 of
11 title 32, United States Code, clearly expresses, the
12 National Guard continues its historic mission of pro-
13 viding units for the first line defense of the United
14 States and current missions throughout the world.

15 (8) The designation of the City of Salem, Mas-
16 sachusetts, as the Birthplace of the National Guard
17 of the United States will contribute positively to
18 tourism and economic development in the city, create
19 jobs, and instill pride in both the local and State
20 communities.

21 (b) RECOGNITION.—Section 102 of title 32, United
22 States Code, is amended—

23 (1) by striking “In accordance” and inserting
24 “(a) STATEMENT OF POLICY.—In accordance”; and

1 (2) by adding at the end the following new sub-
2 section:

3 “(b) RECOGNITION OF SALEM, MASSACHUSETTS, AS
4 NATIONAL GUARD BIRTHPLACE.—The City of Salem,
5 Massachusetts, the site of the first muster of a militia
6 regiment in 1637 in what became the United States, is
7 hereby recognized as the Birthplace of the National Guard
8 of the United States.”.



**47. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MALONEY OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR
10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MRS. MALONEY OF NEW YORK**

Page 507, line 21, insert after "department" the following: "that would reveal flight patterns, tactical techniques, or tactical procedures".



**48. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MACK
OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. MACK OF FLORIDA**

At the end of title X add the following:

1 **SEC. ____ . SUNKEN MILITARY CRAFT.**

2 Section 1408(3) of the Ronald W. Reagan National
3 Defense Authorization Act for Fiscal Year 2005 (10
4 U.S.C. 113 note) is amended—

5 (1) in subparagraph (A), by inserting “, that
6 was” before “on military noncommercial service”;
7 and

8 (2) in subparagraph (B), by inserting a comma
9 before “that was owned or operated”.



**49. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
LANGEVIN OF RHODE ISLAND OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. LANGEVIN OF RHODE ISLAND**

At the end of title X, add the following new subtitle:

1 **Subtitle J—Executive Cyberspace**
2 **Coordination**

3 **SEC. 1099C. COORDINATION OF FEDERAL INFORMATION**
4 **POLICY.**

5 Chapter 35 of title 44, United States Code, is amend-
6 ed by striking subchapters II and III and inserting the
7 following:

8 **“SUBCHAPTER II—INFORMATION SECURITY**

9 **“§ 3551. Purposes**

10 **“The purposes of this subchapter are to—**

11 **“(1) provide a comprehensive framework for en-**
12 **suring the effectiveness of information security con-**
13 **trols over information resources that support Fed-**
14 **eral operations and assets;**

15 **“(2) recognize the highly networked nature of**
16 **the current Federal computing environment and pro-**
17 **vide effective Governmentwide management and**
18 **oversight of the related information security risks,**
19 **including coordination of information security efforts**

1 throughout the civilian, national security, and law
2 enforcement communities;

3 “(3) provide for development and maintenance
4 of minimum controls required to protect Federal in-
5 formation and information infrastructure;

6 “(4) provide a mechanism for improved over-
7 sight of Federal agency information security pro-
8 grams;

9 “(5) acknowledge that commercially developed
10 information security products offer advanced, dy-
11 namic, robust, and effective information security so-
12 lutions, reflecting market solutions for the protection
13 of critical information infrastructures important to
14 the national defense and economic security of the
15 Nation that are designed, built, and operated by the
16 private sector; and

17 “(6) recognize that the selection of specific
18 technical hardware and software information secu-
19 rity solutions should be left to individual agencies
20 from among commercially developed products.

21 **“§ 3552. Definitions**

22 “(a) SECTION 3502 DEFINITIONS.—Except as pro-
23 vided under subsection (b), the definitions under section
24 3502 shall apply to this subchapter.

25 “(b) ADDITIONAL DEFINITIONS.—In this subchapter:

1 “(1) The term ‘adequate security’ means secu-
2 rity that complies with the regulations promulgated
3 under section 3554 and the standards promulgated
4 under section 3558.

5 “(2) The term ‘incident’ means an occurrence
6 that actually or potentially jeopardizes the confiden-
7 tiality, integrity, or availability of an information
8 system, information infrastructure, or the informa-
9 tion the system processes, stores, or transmits or
10 that constitutes a violation or imminent threat of
11 violation of security policies, security procedures, or
12 acceptable use policies.

13 “(3) The term ‘information infrastructure’
14 means the underlying framework that information
15 systems and assets rely on in processing, storing, or
16 transmitting information electronically.

17 “(4) The term ‘information security’ means
18 protecting information and information infrastruc-
19 ture from unauthorized access, use, disclosure, dis-
20 ruption, modification, or destruction in order to pro-
21 vide—

22 “(A) integrity, which means guarding
23 against improper information modification or
24 destruction, and includes ensuring information
25 nonrepudiation and authenticity;

1 “(B) confidentiality, which means pre-
2 serving authorized restrictions on access and
3 disclosure, including means for protecting per-
4 sonal privacy and proprietary information;

5 “(C) availability, which means ensuring
6 timely and reliable access to and use of infor-
7 mation; and

8 “(D) authentication, which means using
9 digital credentials to assure the identity of
10 users and validate access of such users.

11 “(5) The term ‘information technology’ has the
12 meaning given that term in section 11101 of title
13 40.

14 “(6)(A) The term ‘national security system’
15 means any information infrastructure (including any
16 telecommunications system) used or operated by an
17 agency or by a contractor of an agency, or other or-
18 ganization on behalf of an agency—

19 “(i) the function, operation, or use of
20 which—

21 “(I) involves intelligence activities;

22 “(II) involves cryptologic activities re-
23 lated to national security;

24 “(III) involves command and control
25 of military forces;

1 “(IV) involves equipment that is an
2 integral part of a weapon or weapons sys-
3 tem; or

4 “(V) subject to subparagraph (B), is
5 critical to the direct fulfillment of military
6 or intelligence missions; or

7 “(ii) is protected at all times by procedures
8 established for information that have been spe-
9 cifically authorized under criteria established by
10 an Executive order or an Act of Congress to be
11 kept classified in the interest of national de-
12 fense or foreign policy.

13 “(B) Subparagraph (A)(i)(V) does not include a
14 system that is to be used for routine administrative
15 and business applications (including payroll, finance,
16 logistics, and personnel management applications).

17 **“§ 3553. National Office for Cyberspace**

18 “(a) ESTABLISHMENT.—There is established within
19 the Executive Office of the President an office to be known
20 as the National Office for Cyberspace.

21 “(b) DIRECTOR.—

22 “(1) IN GENERAL.—There shall be at the head
23 of the National Office for Cyberspace a Director,
24 who shall be appointed by the President by and with
25 the advice and consent of the Senate. The Director

1 of the National Office for Cyberspace shall admin-
2 ister all functions designated to such Director under
3 this subchapter and collaborate to the extent prac-
4 ticable with the heads of appropriate agencies, the
5 private sector, and international partners. The Of-
6 fice shall serve as the principal office for coordi-
7 nating issues relating to cyberspace, including
8 achieving an assured, reliable, secure, and survivable
9 information infrastructure and related capabilities
10 for the Federal Government, while promoting na-
11 tional economic interests, security, and civil liberties.

12 “(2) BASIC PAY.—The Director of the National
13 Office for Cyberspace shall be paid at the rate of
14 basic pay for level III of the Executive Schedule.

15 “(c) STAFF.—The Director of the National Office for
16 Cyberspace may appoint and fix the pay of additional per-
17 sonnel as the Director considers appropriate.

18 “(d) EXPERTS AND CONSULTANTS.—The Director of
19 the National Office for Cyberspace may procure temporary
20 and intermittent services under section 3109(b) of title 5.

21 **“§ 3554. Federal Cybersecurity Practice Board**

22 “(a) ESTABLISHMENT.—Within the National Office
23 for Cyberspace, there shall be established a board to be
24 known as the ‘Federal Cybersecurity Practice Board’ (in
25 this section referred to as the ‘Board’).

1 “(b) MEMBERS.—The Board shall be chaired by the
2 Director of the National Office for Cyberspace and consist
3 of not more than 10 members, with at least one represent-
4 ative from—

5 “(1) the Office of Management and Budget;

6 “(2) civilian agencies;

7 “(3) the Department of Defense;

8 “(4) the Federal law enforcement community;

9 “(5) the Federal Chief Technology Office; and

10 “(6) such additional military and civilian agen-
11 cies as the Director considers appropriate.

12 “(c) RESPONSIBILITIES.—

13 “(1) DEVELOPMENT OF POLICIES AND PROCE-
14 DURES.—Subject to the authority, direction, and
15 control of the Director of the National Office for
16 Cyberspace, the Board shall be responsible for devel-
17 oping and periodically updating information security
18 policies and procedures relating to the matters de-
19 scribed in paragraph (2). In developing such policies
20 and procedures, the Board shall require that all
21 matters addressed in the policies and procedures are
22 consistent, to the maximum extent practicable and
23 in accordance with applicable law, among the civil-
24 ian, military, intelligence, and law enforcement com-
25 munities.

1 “(2) SPECIFIC MATTERS COVERED IN POLICIES
2 AND PROCEDURES.—

3 “(A) MINIMUM SECURITY CONTROLS.—

4 The Board shall be responsible for developing
5 and periodically updating information security
6 policies and procedures relating to minimum se-
7 curity controls for information technology, in
8 order to—

9 “(i) provide Governmentwide protec-
10 tion of Government-networked computers
11 against common attacks; and

12 “(ii) provide agencywide protection
13 against threats, vulnerabilities, and other
14 risks to the information infrastructure
15 within individual agencies.

16 “(B) MEASURES OF EFFECTIVENESS.—

17 The Board shall be responsible for developing
18 and periodically updating information security
19 policies and procedures relating to measure-
20 ments needed to assess the effectiveness of the
21 minimum security controls referred to in sub-
22 paragraph (A). Such measurements shall in-
23 clude a risk scoring system to evaluate risk to
24 information security both Governmentwide and
25 within contractors of the Federal Government.

1 “(C) PRODUCTS AND SERVICES.—The
2 Board shall be responsible for developing and
3 periodically updating information security poli-
4 cies, procedures, and minimum security stand-
5 ards relating to criteria for products and serv-
6 ices to be used in agency information systems
7 and information infrastructure that will meet
8 the minimum security controls referred to in
9 subparagraph (A). In carrying out this subpara-
10 graph, the Board shall act in consultation with
11 the Office of Management and Budget and the
12 General Services Administration.

13 “(D) REMEDIES.—The Board shall be re-
14 sponsible for developing and periodically updat-
15 ing information security policies and procedures
16 relating to methods for providing remedies for
17 security deficiencies identified in agency infor-
18 mation infrastructure.

19 “(3) ADDITIONAL CONSIDERATIONS.—The
20 Board shall also consider—

21 “(A) opportunities to engage with the
22 international community to set policies, prin-
23 ciples, training, standards, or guidelines for in-
24 formation security;

1 “(B) opportunities to work with agencies
2 and industry partners to increase information
3 sharing and policy coordination efforts in order
4 to reduce vulnerabilities in the national infor-
5 mation infrastructure; and

6 “(C) options necessary to encourage and
7 maintain accountability of any agency, or senior
8 agency official, for efforts to secure the infor-
9 mation infrastructure of such agency.

10 “(4) RELATIONSHIP TO OTHER STANDARDS.—
11 The policies and procedures developed under para-
12 graph (1) are supplemental to the standards promul-
13 gated by the Director of the National Office for
14 Cyberspace under section 3558.

15 “(5) RECOMMENDATIONS FOR REGULATIONS.—
16 The Board shall be responsible for making rec-
17 ommendations to the Director of the National Office
18 for Cyberspace on regulations to carry out the poli-
19 cies and procedures developed by the Board under
20 paragraph (1).

21 “(d) REGULATIONS.—The Director of the National
22 Office for Cyberspace, in consultation with the Director
23 of the Office of Management and the Administrator of
24 General Services, shall promulgate and periodically update

1 regulations to carry out the policies and procedures devel-
2 oped by the Board under subsection (c).

3 “(e) ANNUAL REPORT.—The Director of the Na-
4 tional Office for Cyberspace shall provide to Congress a
5 report containing a summary of agency progress in imple-
6 menting the regulations promulgated under this section as
7 part of the annual report to Congress required under sec-
8 tion 3555(a)(8).

9 “(f) NO DISCLOSURE BY BOARD REQUIRED.—The
10 Board is not required to disclose under section 552 of title
11 5 information submitted by agencies to the Board regard-
12 ing threats, vulnerabilities, and risks.

13 **“§ 3555. Authority and functions of the Director of**
14 **the National Office for Cyberspace**

15 “(a) IN GENERAL.—The Director of the National Of-
16 fice for Cyberspace shall oversee agency information secu-
17 rity policies and practices, including—

18 “(1) developing and overseeing the implementa-
19 tion of policies, principles, standards, and guidelines
20 on information security, including through ensuring
21 timely agency adoption of and compliance with
22 standards promulgated under section 3558;

23 “(2) requiring agencies, consistent with the
24 standards promulgated under section 3558 and
25 other requirements of this subchapter, to identify

1 and provide information security protections com-
2 mensurate with the risk and magnitude of the harm
3 resulting from the unauthorized access, use, disclo-
4 sure, disruption, modification, or destruction of—

5 “(A) information collected or maintained
6 by or on behalf of an agency; or

7 “(B) information infrastructure used or
8 operated by an agency or by a contractor of an
9 agency or other organization on behalf of an
10 agency;

11 “(3) coordinating the development of standards
12 and guidelines under section 20 of the National In-
13 stitute of Standards and Technology Act (15 U.S.C.
14 278g-3) with agencies and offices operating or exer-
15 cising control of national security systems (including
16 the National Security Agency) to assure, to the max-
17 imum extent feasible, that such standards and
18 guidelines are complementary with standards and
19 guidelines developed for national security systems;

20 “(4) overseeing agency compliance with the re-
21 quirements of this subchapter, including through
22 any authorized action under section 11303 of title
23 40, to enforce accountability for compliance with
24 such requirements;

1 “(5) reviewing at least annually, and approving
2 or disapproving, agency information security pro-
3 grams required under section 3556(b);

4 “(6) coordinating information security policies
5 and procedures of the Federal Government with re-
6 lated information resources management policies and
7 procedures on the security and resiliency of cyber-
8 space;

9 “(7) overseeing the operation of the Federal in-
10 formation security incident center required under
11 section 3559;

12 “(8) reporting to Congress no later than March
13 1 of each year on agency compliance with the re-
14 quirements of this subchapter, including—

15 “(A) a summary of the findings of audits
16 required by section 3557;

17 “(B) an assessment of the development,
18 promulgation, and adoption of, and compliance
19 with, standards developed under section 20 of
20 the National Institute of Standards and Tech-
21 nology Act (15 U.S.C. 278g-3) and promul-
22 gated under section 3558;

23 “(C) significant deficiencies in agency in-
24 formation security practices;

1 “(D) planned remedial action to address
2 such deficiencies; and

3 “(E) a summary of, and the views of the
4 Director of the National Office for Cyberspace
5 on, the report prepared by the National Insti-
6 tute of Standards and Technology under section
7 20(d)(10) of the National Institute of Stand-
8 ards and Technology Act (15 U.S.C. 278g-3);

9 “(9) coordinating the defense of information in-
10 frastructure operated by agencies in the case of a
11 large-scale attack on information infrastructure, as
12 determined by the Director;

13 “(10) establishing a national strategy not later
14 than 120 days after the date of the enactment of
15 this section;

16 “(11) coordinating information security training
17 for Federal employees with the Office of Personnel
18 Management;

19 “(12) ensuring the adequacy of protections for
20 privacy and civil liberties in carrying out the respon-
21 sibilities of the Director under this subchapter;

22 “(13) making recommendations that the Direc-
23 tor determines are necessary to ensure risk-based se-
24 curity of the Federal information infrastructure and
25 information infrastructure that is owned, operated,

1 controlled, or licensed for use by, or on behalf of, the
2 Department of Defense, a military department, or
3 another element of the intelligence community to—

4 “(A) the Director of the Office of Manage-
5 ment and Budget;

6 “(B) the head of an agency; or

7 “(C) to Congress with regard to the re-
8 programming of funds;

9 “(14) ensuring, in consultation with the Admin-
10 istrator of the Office of Information and Regulatory
11 Affairs, that the efforts of agencies relating to the
12 development of regulations, rules, requirements, or
13 other actions applicable to the national information
14 infrastructure are complementary;

15 “(15) when directed by the President, carrying
16 out the responsibilities for national security and
17 emergency preparedness communications described
18 in section 706 of the Communications Act of 1934
19 (47 U.S.C. 606) to ensure integration and coordina-
20 tion; and

21 “(16) as assigned by the President, other duties
22 relating to the security and resiliency of cyberspace.

23 “(b) RECRUITMENT PROGRAM.—Not later than 1
24 year after appointment, the Director of the National Of-
25 fice for Cyberspace shall establish a national program to

1 conduct competitions and challenges that instruct United
2 States students in cybersecurity education and computer
3 literacy.

4 “(c) BUDGET OVERSIGHT AND REPORTING.—(1)
5 The head of each agency shall submit to the Director of
6 the National Office for Cyberspace a budget each year for
7 the following fiscal year relating to the protection of infor-
8 mation infrastructure for such agency, by a date deter-
9 mined by the Director that is before the submission of
10 such budget by the head of the agency to the Office of
11 Management and Budget.

12 “(2) The Director shall review and offer a non-bind-
13 ing approval or disapproval of each agency’s annual budg-
14 et to each such agency before the submission of such budg-
15 et by the head of the agency to the Office of Management
16 and Budget.

17 “(3) If the Director offers a non-binding disapproval
18 of an agency’s budget, the Director shall transmit rec-
19 ommendations to the head of such agency for strength-
20 ening its proposed budget with regard to the protection
21 of such agency’s information infrastructure.

22 “(4) Each budget submitted by the head of an agency
23 pursuant to paragraph (1) shall include—

24 “(A) a review of any threats to information
25 technology for such agency;

1 “(B) a plan to secure the information infra-
2 structure for such agency based on threats to infor-
3 mation technology, using the National Institute of
4 Standards and Technology guidelines and rec-
5 ommendations;

6 “(C) a review of compliance by such agency
7 with any previous year plan described in subpara-
8 graph (B); and

9 “(D) a report on the development of the
10 credentialing process to enable secure authentication
11 of identity and authorization for access to the infor-
12 mation infrastructure of such agency.

13 “(5) The Director of the National Office for Cyber-
14 space may recommend to the President monetary penalties
15 or incentives necessary to encourage and maintain ac-
16 countability of any agency, or senior agency official, for
17 efforts to secure the information infrastructure of such
18 agency.

19 **“§ 3556. Agency responsibilities**

20 “(a) IN GENERAL.—The head of each agency shall—

21 “(1) be responsible for—

22 “(A) providing information security protec-
23 tions commensurate with the risk and mag-
24 nitude of the harm resulting from unauthorized

1 access, use, disclosure, disruption, modification,
2 or destruction of—

3 “(i) information collected or main-
4 tained by or on behalf of the agency; and

5 “(ii) information infrastructure used
6 or operated by an agency or by a con-
7 tractor of an agency or other organization
8 on behalf of an agency;

9 “(B) complying with the requirements of
10 this subchapter and related policies, procedures,
11 standards, and guidelines, including—

12 “(i) the regulations promulgated
13 under section 3554 and the information se-
14 curity standards promulgated under sec-
15 tion 3558;

16 “(ii) information security standards
17 and guidelines for national security sys-
18 tems issued in accordance with law and as
19 directed by the President; and

20 “(iii) ensuring the standards imple-
21 mented for information infrastructure and
22 national security systems under the agency
23 head are complementary and uniform, to
24 the extent practicable; and

1 “(C) ensuring that information security
2 management processes are integrated with
3 agency strategic and operational planning proc-
4 esses;

5 “(2) ensure that senior agency officials provide
6 information security for the information and infor-
7 mation infrastructure that support the operations
8 and assets under their control, including through—

9 “(A) assessing the risk and magnitude of
10 the harm that could result from the unauthor-
11 ized access, use, disclosure, disruption, modi-
12 fication, or destruction of such information or
13 information infrastructure;

14 “(B) determining the levels of information
15 security appropriate to protect such information
16 and information infrastructure in accordance
17 with regulations promulgated under section
18 3554 and standards promulgated under section
19 3558, for information security classifications
20 and related requirements;

21 “(C) implementing policies and procedures
22 to cost effectively reduce risks to an acceptable
23 level; and

1 “(D) continuously testing and evaluating
2 information security controls and techniques to
3 ensure that they are effectively implemented;

4 “(3) delegate to an agency official, designated
5 as the ‘Chief Information Security Officer’, under
6 the authority of the agency Chief Information Offi-
7 cer the responsibility to oversee agency information
8 security and the authority to ensure and enforce
9 compliance with the requirements imposed on the
10 agency under this subchapter, including—

11 “(A) overseeing the establishment and
12 maintenance of a security operations capability
13 on an automated and continuous basis that
14 can—

15 “(i) assess the state of compliance of
16 all networks and systems with prescribed
17 controls issued pursuant to section 3558
18 and report immediately any variance there-
19 from and, where appropriate and with the
20 approval of the agency Chief Information
21 Officer, shut down systems that are found
22 to be non-compliant;

23 “(ii) detect, report, respond to, con-
24 tain, and mitigate incidents that impair
25 adequate security of the information and

1 information infrastructure, in accordance
2 with policy provided by the Director of the
3 National Office for Cyberspace, in con-
4 sultation with the Chief Information Offi-
5 cers Council, and guidance from the Na-
6 tional Institute of Standards and Tech-
7 nology;

8 “(iii) collaborate with the National
9 Office for Cyberspace and appropriate pub-
10 lic and private sector security operations
11 centers to address incidents that impact
12 the security of information and informa-
13 tion infrastructure that extend beyond the
14 control of the agency; and

15 “(iv) not later than 24 hours after
16 discovery of any incident described under
17 subparagraph (A)(ii), unless otherwise di-
18 rected by policy of the National Office for
19 Cyberspace, provide notice to the appro-
20 priate security operations center, the Na-
21 tional Cyber Investigative Joint Task
22 Force, and the Inspector General of the
23 agency;

1 “(B) developing, maintaining, and over-
2 seeing an agency wide information security pro-
3 gram as required by subsection (b);

4 “(C) developing, maintaining, and over-
5 seeing information security policies, procedures,
6 and control techniques to address all applicable
7 requirements, including those issued under sec-
8 tions 3555 and 3558;

9 “(D) training and overseeing personnel
10 with significant responsibilities for information
11 security with respect to such responsibilities;
12 and

13 “(E) assisting senior agency officials con-
14 cerning their responsibilities under paragraph
15 (2);

16 “(4) ensure that the agency has trained and
17 cleared personnel sufficient to assist the agency in
18 complying with the requirements of this subchapter
19 and related policies, procedures, standards, and
20 guidelines;

21 “(5) ensure that the Chief Information Security
22 Officer, in coordination with other senior agency of-
23 ficials, reports biannually to the agency head on the
24 effectiveness of the agency information security pro-
25 gram, including progress of remedial actions; and

1 “(6) ensure that the Chief Information Security
2 Officer possesses necessary qualifications, including
3 education, professional certifications, training, expe-
4 rience, and the security clearance required to admin-
5 ister the functions described under this subchapter;
6 and has information security duties as the primary
7 duty of that official.

8 “(b) AGENCY PROGRAM.—Each agency shall develop,
9 document, and implement an agencywide information se-
10 curity program, approved by the Director of the National
11 Office for Cyberspace under section 3555(a)(5), to provide
12 information security for the information and information
13 infrastructure that support the operations and assets of
14 the agency, including those provided or managed by an-
15 other agency, contractor, or other source, that includes—

16 “(1) continuous automated technical monitoring
17 of information infrastructure used or operated by an
18 agency or by a contractor of an agency or other or-
19 ganization on behalf of an agency to assure conform-
20 ance with regulations promulgated under section
21 3554 and standards promulgated under section
22 3558;

23 “(2) testing of the effectiveness of security con-
24 trols that are commensurate with risk (as defined by
25 the National Institute of Standards and Technology

1 and the National Office for Cyberspace) for agency
2 information infrastructure;

3 “(3) policies and procedures that—

4 “(A) mitigate and remediate, to the extent
5 practicable, information security vulnerabilities
6 based on the risk posed to the agency;

7 “(B) cost effectively reduce information se-
8 curity risks to an acceptable level;

9 “(C) ensure that information security is
10 addressed throughout the life cycle of each
11 agency information system and information in-
12 frastructure;

13 “(D) ensure compliance with—

14 “(i) the requirements of this sub-
15 chapter;

16 “(ii) policies and procedures as may
17 be prescribed by the Director of the Na-
18 tional Office for Cyberspace, and informa-
19 tion security standards promulgated under
20 section 3558;

21 “(iii) minimally acceptable system
22 configuration requirements, as determined
23 by the Director of the National Office for
24 Cyberspace; and

1 “(iv) any other applicable require-
2 ments, including—

3 “(I) standards and guidelines for
4 national security systems issued in ac-
5 cordance with law and as directed by
6 the President;

7 “(II) the policy of the Director of
8 the National Office for Cyberspace;

9 “(III) the National Institute of
10 Standards and Technology guidance;
11 and

12 “(IV) the Chief Information Offi-
13 cers Council recommended ap-
14 proaches;

15 “(E) develop, maintain, and oversee infor-
16 mation security policies, procedures, and control
17 techniques to address all applicable require-
18 ments, including those issued under sections
19 3555 and 3558; and

20 “(F) ensure the oversight and training of
21 personnel with significant responsibilities for in-
22 formation security with respect to such respon-
23 sibilities;

24 “(4) ensuring that the agency has trained and
25 cleared personnel sufficient to assist the agency in

1 complying with the requirements of this subchapter
2 and related policies, procedures, standards, and
3 guidelines;

4 “(5) to the extent practicable, automated and
5 continuous technical monitoring for testing, and
6 evaluation of the effectiveness and compliance of in-
7 formation security policies, procedures, and prac-
8 tices, including—

9 “(A) management, operational, and tech-
10 nical controls of every information infrastruc-
11 ture identified in the inventory required under
12 section 3505(b); and

13 “(B) management, operational, and tech-
14 nical controls relied on for an evaluation under
15 section 3556;

16 “(6) a process for planning, implementing, eval-
17 uating, and documenting remedial action to address
18 any deficiencies in the information security policies,
19 procedures, and practices of the agency;

20 “(7) to the extent practicable, continuous auto-
21 mated technical monitoring for detecting, reporting,
22 and responding to security incidents, consistent with
23 standards and guidelines issued by the Director of
24 the National Office for Cyberspace, including—

1 “(A) mitigating risks associated with such
2 incidents before substantial damage is done;

3 “(B) notifying and consulting with the ap-
4 propriate security operations response center;
5 and

6 “(C) notifying and consulting with, as ap-
7 propriate—

8 “(i) law enforcement agencies and rel-
9 evant Offices of Inspectors General;

10 “(ii) the National Office for Cyber-
11 space; and

12 “(iii) any other agency or office, in ac-
13 cordance with law or as directed by the
14 President; and

15 “(8) plans and procedures to ensure continuity
16 of operations for information infrastructure that
17 support the operations and assets of the agency.

18 “(c) AGENCY REPORTING.—Each agency shall—

19 “(1) submit an annual report on the adequacy
20 and effectiveness of information security policies,
21 procedures, and practices, and compliance with the
22 requirements of this subchapter, including compli-
23 ance with each requirement of subsection (b) to—

24 “(A) the National Office for Cyberspace;

1 “(B) the Committee on Homeland Security
2 and Governmental Affairs of the Senate;

3 “(C) the Committee on Oversight and Gov-
4 ernment Reform of the House of Representa-
5 tives;

6 “(D) other appropriate authorization and
7 appropriations committees of Congress; and

8 “(E) the Comptroller General;

9 “(2) address the adequacy and effectiveness of
10 information security policies, procedures, and prac-
11 tices in plans and reports relating to—

12 “(A) annual agency budgets;

13 “(B) information resources management of
14 this subchapter;

15 “(C) information technology management
16 under this chapter;

17 “(D) program performance under sections
18 1105 and 1115 through 1119 of title 31, and
19 sections 2801 and 2805 of title 39;

20 “(E) financial management under chapter
21 9 of title 31, and the Chief Financial Officers
22 Act of 1990 (31 U.S.C. 501 note; Public Law
23 101–576) (and the amendments made by that
24 Act);

1 “(F) financial management systems under
2 the Federal Financial Management Improve-
3 ment Act (31 U.S.C. 3512 note); and

4 “(G) internal accounting and administra-
5 tive controls under section 3512 of title 31; and

6 “(3) report any significant deficiency in a pol-
7 icy, procedure, or practice identified under para-
8 graph (1) or (2)—

9 “(A) as a material weakness in reporting
10 under section 3512 of title 31; and

11 “(B) if relating to financial management
12 systems, as an instance of a lack of substantial
13 compliance under the Federal Financial Man-
14 agement Improvement Act (31 U.S.C. 3512
15 note).

16 “(d) PERFORMANCE PLAN.—(1) In addition to the
17 requirements of subsection (c), each agency, in consulta-
18 tion with the National Office for Cyberspace, shall include
19 as part of the performance plan required under section
20 1115 of title 31 a description of the resources, including
21 budget, staffing, and training, that are necessary to imple-
22 ment the program required under subsection (b).

23 “(2) The description under paragraph (1) shall be
24 based on the risk assessments required under subsection
25 (a)(2).

1 “(e) PUBLIC NOTICE AND COMMENT.—Each agency
2 shall provide the public with timely notice and opportuni-
3 ties for comment on proposed information security policies
4 and procedures to the extent that such policies and proce-
5 dures affect communication with the public.

6 **“§ 3557. Annual independent audit**

7 “(a) IN GENERAL.—(1) Each year each agency shall
8 have performed an independent audit of the information
9 security program and practices of that agency to deter-
10 mine the effectiveness of such program and practices.

11 “(2) Each audit under this section shall include—

12 “(A) testing of the effectiveness of the informa-
13 tion infrastructure of the agency for automated, con-
14 tinuous monitoring of the state of compliance of its
15 information infrastructure with regulations promul-
16 gated under section 3554 and standards promul-
17 gated under section 3558 in a representative subset
18 of—

19 “(i) the information infrastructure used or
20 operated by the agency; and

21 “(ii) the information infrastructure used,
22 operated, or supported on behalf of the agency
23 by a contractor of the agency, a subcontractor
24 (at any tier) of such contractor, or any other
25 entity;

1 “(B) an assessment (made on the basis of the
2 results of the testing) of compliance with—

3 “(i) the requirements of this subchapter;
4 and

5 “(ii) related information security policies,
6 procedures, standards, and guidelines;

7 “(C) separate assessments, as appropriate, re-
8 garding information security relating to national se-
9 curity systems; and

10 “(D) a conclusion regarding whether the infor-
11 mation security controls of the agency are effective,
12 including an identification of any significant defi-
13 ciencies in such controls.

14 “(3) Each audit under this section shall be performed
15 in accordance with applicable generally accepted Govern-
16 ment auditing standards.

17 “(b) INDEPENDENT AUDITOR.—Subject to sub-
18 section (c)—

19 “(1) for each agency with an Inspector General
20 appointed under the Inspector General Act of 1978
21 or any other law, the annual audit required by this
22 section shall be performed by the Inspector General
23 or by an independent external auditor, as deter-
24 mined by the Inspector General of the agency; and

1 “(2) for each agency to which paragraph (1)
2 does not apply, the head of the agency shall engage
3 an independent external auditor to perform the
4 audit.

5 “(c) NATIONAL SECURITY SYSTEMS.—For each
6 agency operating or exercising control of a national secu-
7 rity system, that portion of the audit required by this sec-
8 tion directly relating to a national security system shall
9 be performed—

10 “(1) only by an entity designated head; and

11 “(2) in such a manner as to ensure appropriate
12 protection for information associated with any infor-
13 mation security vulnerability in such system com-
14 mensurate with the risk and in accordance with all
15 applicable laws.

16 “(d) EXISTING AUDITS.—The audit required by this
17 section may be based in whole or in part on another audit
18 relating to programs or practices of the applicable agency.

19 “(e) AGENCY REPORTING.—(1) Each year, not later
20 than such date established by the Director of the National
21 Office for Cyberspace, the head of each agency shall sub-
22 mit to the Director the results of the audit required under
23 this section.

24 “(2) To the extent an audit required under this sec-
25 tion directly relates to a national security system, the re-

1 sults of the audit submitted to the Director of the Na-
2 tional Office for Cyberspace shall contain only a summary
3 and assessment of that portion of the audit directly relat-
4 ing to a national security system.

5 “(f) PROTECTION OF INFORMATION.—Agencies and
6 auditors shall take appropriate steps to ensure the protec-
7 tion of information which, if disclosed, may adversely af-
8 fect information security. Such protections shall be com-
9 mensurate with the risk and comply with all applicable
10 laws and regulations.

11 “(g) NATIONAL OFFICE FOR CYBERSPACE REPORTS
12 TO CONGRESS.—(1) The Director of the National Office
13 for Cyberspace shall summarize the results of the audits
14 conducted under this section in the annual report to Con-
15 gress required under section 3555(a)(8).

16 “(2) The Director’s report to Congress under this
17 subsection shall summarize information regarding infor-
18 mation security relating to national security systems in
19 such a manner as to ensure appropriate protection for in-
20 formation associated with any information security vulner-
21 ability in such system commensurate with the risk and in
22 accordance with all applicable laws.

23 “(3) Audits and any other descriptions of information
24 infrastructure under the authority and control of the Di-
25 rector of Central Intelligence or of National Foreign Intel-

1 ligence Programs systems under the authority and control
2 of the Secretary of Defense shall be made available to Con-
3 gress only through the appropriate oversight committees
4 of Congress, in accordance with applicable laws.

5 “(h) COMPTROLLER GENERAL.—The Comptroller
6 General shall periodically evaluate and report to Congress
7 on—

8 “(1) the adequacy and effectiveness of agency
9 information security policies and practices; and

10 “(2) implementation of the requirements of this
11 subchapter.

12 “(i) CONTRACTOR AUDITS.—Each year each con-
13 tractor that operates, uses, or supports an information
14 system or information infrastructure on behalf of an agen-
15 cy and each subcontractor of such contractor—

16 “(1) shall conduct an audit using an inde-
17 pendent external auditor in accordance with sub-
18 section (a), including an assessment of compliance
19 with the applicable requirements of this subchapter;
20 and

21 “(2) shall submit the results of such audit to
22 such agency not later than such date established by
23 the Agency.

1 **“§ 3558. Responsibilities for Federal information sys-**
2 **tems standards**

3 “(a) REQUIREMENT TO PRESCRIBE STANDARDS.—

4 “(1) IN GENERAL.—

5 “(A) REQUIREMENT.—Except as provided
6 under paragraph (2), the Secretary of Com-
7 merce shall, on the basis of proposed standards
8 developed by the National Institute of Stand-
9 ards and Technology pursuant to paragraphs
10 (2) and (3) of section 20(a) of the National In-
11 stitute of Standards and Technology Act (15
12 U.S.C. 278g–3(a)) and in consultation with the
13 Secretary of Homeland Security, promulgate in-
14 formation security standards pertaining to Fed-
15 eral information systems.

16 “(B) REQUIRED STANDARDS.—Standards
17 promulgated under subparagraph (A) shall in-
18 clude—

19 “(i) standards that provide minimum
20 information security requirements as deter-
21 mined under section 20(b) of the National
22 Institute of Standards and Technology Act
23 (15 U.S.C. 278g–3(b)); and

24 “(ii) such standards that are other-
25 wise necessary to improve the efficiency of

1 operation or security of Federal informa-
2 tion systems.

3 “(C) REQUIRED STANDARDS BINDING.—
4 Information security standards described under
5 subparagraph (B) shall be compulsory and
6 binding.

7 “(2) STANDARDS AND GUIDELINES FOR NA-
8 TIONAL SECURITY SYSTEMS.—Standards and guide-
9 lines for national security systems, as defined under
10 section 3552(b), shall be developed, promulgated, en-
11 forced, and overseen as otherwise authorized by law
12 and as directed by the President.

13 “(b) APPLICATION OF MORE STRINGENT STAND-
14 ARDS.—The head of an agency may employ standards for
15 the cost-effective information security for all operations
16 and assets within or under the supervision of that agency
17 that are more stringent than the standards promulgated
18 by the Secretary of Commerce under this section, if such
19 standards—

20 “(1) contain, at a minimum, the provisions of
21 those applicable standards made compulsory and
22 binding by the Secretary; and

23 “(2) are otherwise consistent with policies and
24 guidelines issued under section 3555.

1 “(c) REQUIREMENTS REGARDING DECISIONS BY THE
2 SECRETARY.—

3 “(1) DEADLINE.—The decision regarding the
4 promulgation of any standard by the Secretary of
5 Commerce under subsection (b) shall occur not later
6 than 6 months after the submission of the proposed
7 standard to the Secretary by the National Institute
8 of Standards and Technology, as provided under sec-
9 tion 20 of the National Institute of Standards and
10 Technology Act (15 U.S.C. 278g-3).

11 “(2) NOTICE AND COMMENT.—A decision by
12 the Secretary of Commerce to significantly modify,
13 or not promulgate, a proposed standard submitted to
14 the Secretary by the National Institute of Standards
15 and Technology, as provided under section 20 of the
16 National Institute of Standards and Technology Act
17 (15 U.S.C. 278g-3), shall be made after the public
18 is given an opportunity to comment on the Sec-
19 retary’s proposed decision.

20 **“§ 3559. Federal information security incident center**

21 “(a) IN GENERAL.—The Director of the National Of-
22 fice for Cyberspace shall ensure the operation of a central
23 Federal information security incident center to—

24 “(1) provide timely technical assistance to oper-
25 ators of agency information systems and information

1 infrastructure regarding security incidents, including
2 guidance on detecting and handling information se-
3 curity incidents;

4 “(2) compile and analyze information about in-
5 cidents that threaten information security;

6 “(3) inform operators of agency information
7 systems and information infrastructure about cur-
8 rent and potential information security threats, and
9 vulnerabilities; and

10 “(4) consult with the National Institute of
11 Standards and Technology, agencies or offices oper-
12 ating or exercising control of national security sys-
13 tems (including the National Security Agency), and
14 such other agencies or offices in accordance with law
15 and as directed by the President regarding informa-
16 tion security incidents and related matters.

17 “(b) NATIONAL SECURITY SYSTEMS.—Each agency
18 operating or exercising control of a national security sys-
19 tem shall share information about information security in-
20 cidents, threats, and vulnerabilities with the Federal infor-
21 mation security incident center to the extent consistent
22 with standards and guidelines for national security sys-
23 tems, issued in accordance with law and as directed by
24 the President.

1 “(c) REVIEW AND APPROVAL.—In coordination with
2 the Administrator for Electronic Government and Infor-
3 mation Technology, the Director of the National Office for
4 Cyberspace shall review and approve the policies, proce-
5 dures, and guidance established in this subchapter to en-
6 sure that the incident center has the capability to effec-
7 tively and efficiently detect, correlate, respond to, contain,
8 mitigate, and remediate incidents that impair the ade-
9 quate security of the information systems and information
10 infrastructure of more than one agency. To the extent
11 practicable, the capability shall be continuous and tech-
12 nically automated.

13 **“§ 3560. National security systems**

14 “The head of each agency operating or exercising
15 control of a national security system shall be responsible
16 for ensuring that the agency—

17 “(1) provides information security protections
18 commensurate with the risk and magnitude of the
19 harm resulting from the unauthorized access, use,
20 disclosure, disruption, modification, or destruction of
21 the information contained in such system;

22 “(2) implements information security policies
23 and practices as required by standards and guide-
24 lines for national security systems, issued in accord-
25 ance with law and as directed by the President; and

1 “(3) complies with the requirements of this sub-
2 chapter.”.

3 **SEC. 1099D. INFORMATION SECURITY ACQUISITION RE-**
4 **QUIREMENTS.**

5 Chapter 113 of title 40, United States Code, is
6 amended by adding at the end of subchapter II the fol-
7 lowing new section:

8 **“§ 11319. Information security acquisition require-**
9 **ments.**

10 “(a) PROHIBITION.—Notwithstanding any other pro-
11 vision of law, beginning one year after the date of the en-
12 actment of the Executive Cyberspace Coordination Act of
13 2011, no agency may enter into a contract, an order under
14 a contract, or an interagency agreement for—

15 “(1) the collection, use, management, storage,
16 or dissemination of information on behalf of the
17 agency;

18 “(2) the use or operation of an information sys-
19 tem or information infrastructure on behalf of the
20 agency; or

21 “(3) information technology;
22 unless such contract, order, or agreement includes require-
23 ments to provide effective information security that sup-
24 ports the operations and assets under the control of the
25 agency, in compliance with the policies, standards, and

1 guidance developed under subsection (b), and otherwise
2 ensures compliance with this section.

3 “(b) COORDINATION OF SECURE ACQUISITION POLI-
4 CIES.—

5 “(1) IN GENERAL.—The Director of the Office
6 of Management and Budget, in consultation with the
7 Director of the National Institute of Standards and
8 Technology, the Director of the National Office for
9 Cyberspace, and the Administrator of General Serv-
10 ices, shall oversee the development and implementa-
11 tion of policies, standards, and guidance, including
12 through revisions to the Federal Acquisition Regula-
13 tion and the Department of Defense supplement to
14 the Federal Acquisition Regulation, to cost effec-
15 tively enhance agency information security, includ-
16 ing—

17 “(A) minimum information security re-
18 quirements for agency procurement of informa-
19 tion technology products and services; and

20 “(B) approaches for evaluating and miti-
21 gating significant supply chain security risks
22 associated with products or services to be ac-
23 quired by agencies.

24 “(2) REPORT.—Not later than two years after
25 the date of the enactment of the Executive Cyber-

1 space Coordination Act of 2011, the Director of the
2 Office of Management and Budget shall submit to
3 Congress a report describing—

4 “(A) actions taken to improve the informa-
5 tion security associated with the procurement of
6 products and services by the Federal Govern-
7 ment; and

8 “(B) plans for overseeing and coordinating
9 efforts of agencies to use best practice ap-
10 proaches for cost-effectively purchasing more
11 secure products and services.

12 “(c) VULNERABILITY ASSESSMENTS OF MAJOR SYS-
13 TEMS.—

14 “(1) REQUIREMENT FOR INITIAL VULNER-
15 ABILITY ASSESSMENTS.—The Director of the Office
16 of Management and Budget shall require each agen-
17 cy to conduct an initial vulnerability assessment for
18 any major system and its significant items of supply
19 prior to the development of the system. The initial
20 vulnerability assessment of a major system and its
21 significant items of supply shall include use of an
22 analysis-based approach to—

23 “(A) identify vulnerabilities;

24 “(B) define exploitation potential;

1 “(C) examine the system’s potential effec-
2 tiveness;

3 “(D) determine overall vulnerability; and

4 “(E) make recommendations for risk re-
5 duction.

6 “(2) SUBSEQUENT VULNERABILITY ASSESS-
7 MENTS.—

8 “(A) The Director shall require a subse-
9 quent vulnerability assessment of each major
10 system and its significant items of supply with-
11 in a program if the Director determines that
12 circumstances warrant the issuance of an addi-
13 tional vulnerability assessment.

14 “(B) Upon the request of a congressional
15 committee, the Director may require a subse-
16 quent vulnerability assessment of a particular
17 major system and its significant items of supply
18 within the program.

19 “(C) Any subsequent vulnerability assess-
20 ment of a major system and its significant
21 items of supply shall include use of an analysis-
22 based approach and, if applicable, a testing-
23 based approach, to monitor the exploitation po-
24 tential of such system and reexamine the fac-

1 tors described in subparagraphs (A) through
2 (E) of paragraph (1).

3 “(3) CONGRESSIONAL OVERSIGHT.—The Direc-
4 tor shall provide to the appropriate congressional
5 committees a copy of each vulnerability assessment
6 conducted under paragraph (1) or (2) not later than
7 10 days after the date of the completion of such as-
8 sessment.

9 “(d) DEFINITIONS.—In this section:

10 “(1) ITEM OF SUPPLY.—The term ‘item of sup-
11 ply’—

12 “(A) means any individual part, compo-
13 nent, subassembly, assembly, or subsystem inte-
14 gral to a major system, and other property
15 which may be replaced during the service life of
16 the major system, including a spare part or re-
17 plenishment part; and

18 “(B) does not include packaging or label-
19 ing associated with shipment or identification of
20 an item.

21 “(2) VULNERABILITY ASSESSMENT.—The term
22 ‘vulnerability assessment’ means the process of iden-
23 tifying and quantifying vulnerabilities in a major
24 system and its significant items of supply.

1 “(3) MAJOR SYSTEM.—The term ‘major system’
2 has the meaning given that term in section 4 of the
3 Office of Federal Procurement Policy Act (41 U.S.C.
4 403).”.

5 **SEC. 1099E. TECHNICAL AND CONFORMING AMENDMENTS.**

6 (a) TABLE OF SECTIONS IN TITLE 44.—The table
7 of sections for chapter 35 of title 44, United States Code,
8 is amended by striking the matter relating to subchapters
9 II and III and inserting the following:

 “SUBCHAPTER II—INFORMATION SECURITY

 “3551. Purposes.

 “3552. Definitions.

 “3553. National Office for Cyberspace.

 “3554. Federal Cybersecurity Practice Board.

 “3555. Authority and functions of the Director of the National Office for
 Cyberspace.

 “3556. Agency responsibilities.

 “3557. Annual independent audit.

 “3558. Responsibilities for Federal information systems standards.

 “3559. Federal information security incident center.

 “3560. National security systems.”.

10 (b) TABLE OF SECTIONS IN TITLE 40.—The table
11 of sections for chapter 113 of title 40, United States Code,
12 is amended by inserting after the item relating to section
13 11318 the following new item:

 “Sec. 11319. Information security acquisition requirements.”.

14 (c) OTHER REFERENCES.—

15 (1) Section 1001(c)(1)(A) of the Homeland Se-
16 curity Act of 2002 (6 U.S.C. 511(c)(1)(A)) is
17 amended by striking “section 3532(3)” and insert-
18 ing “section 3552(b)”.

1 (2) Section 2222(j)(6) of title 10, United States
2 Code, is amended by striking “section 3542(b)(2))”
3 and inserting “section 3552(b)”.

4 (3) Section 2223(c)(3) of title 10, United
5 States Code, is amended, by striking “section
6 3542(b)(2))” and inserting “section 3552(b)”.

7 (4) Section 2315 of title 10, United States
8 Code, is amended by striking “section 3542(b)(2))”
9 and inserting “section 3552(b)”.

10 (5) Section 20 of the National Institute of
11 Standards and Technology Act (15 U.S.C. 278g-3)
12 is amended—

13 (A) in subsections (a)(2) and (e)(5), by
14 striking “section 3532(b)(2)” and inserting
15 “section 3552(b)”;

16 (B) in subsection (e)(2), by striking “sec-
17 tion 3532(1)” and inserting “section 3552(b)”;
18 and

19 (C) in subsections (c)(3) and (d)(1), by
20 striking “section 11331 of title 40” and insert-
21 ing “section 3558 of title 44”.

22 (6) Section 8(d)(1) of the Cyber Security Re-
23 search and Development Act (15 U.S.C. 7406(d)(1))
24 is amended by striking “section 3534(b)” and in-
25 serting “section 3556(b)”.

1 (d) REPEAL.—

2 (1) Subchapter III of chapter 113 of title 40,
3 United States Code, is repealed.

4 (2) The table of sections for chapter 113 of
5 such title is amended by striking the matter relating
6 to subchapter III.

7 (e) EXECUTIVE SCHEDULE PAY RATE.—Section
8 5314 of title 5, United States Code, is amended by adding
9 at the end the following:

10 “Director of the National Office for Cyber-
11 space.”.

12 (f) MEMBERSHIP ON THE NATIONAL SECURITY
13 COUNCIL.—Section 101(a) of the National Security Act
14 of 1947 (50 U.S.C. 402(a)) is amended—

15 (1) by redesignating paragraphs (7) and (8) as
16 paragraphs (8) and (9), respectively; and

17 (2) by inserting after paragraph (6) the fol-
18 lowing:

19 “(7) the Director of the National Office for
20 Cyberspace;”.

21 **SEC. 1099F. OFFICE OF THE CHIEF TECHNOLOGY OFFICER.**

22 (a) ESTABLISHMENT AND STAFF.—

23 (1) ESTABLISHMENT.—

24 (A) IN GENERAL.—There is established in
25 the Executive Office of the President an Office

1 of the Federal Chief Technology Officer (in this
2 section referred to as the "Office").

3 (B) HEAD OF THE OFFICE.—

4 (i) FEDERAL CHIEF TECHNOLOGY OF-
5 FICER.—The President shall appoint a
6 Federal Chief Technology Officer (in this
7 section referred to as the "Federal CTO")
8 who shall be the head of the Office.

9 (ii) COMPENSATION.—Section 5314 of
10 title 5, United States Code, is amended by
11 adding at the end the following:

12 "Federal Chief Technology Officer."

13 (2) STAFF OF THE OFFICE.—The President
14 may appoint additional staff members to the Office.

15 (b) DUTIES OF THE OFFICE.—The functions of the
16 Federal CTO are the following:

17 (1) Undertake fact-gathering, analysis, and as-
18 sessment of the Federal Government's information
19 technology infrastructures, information technology
20 strategy, and use of information technology, and
21 provide advice on such matters to the President,
22 heads of Federal departments and agencies, and
23 government chief information officers and chief tech-
24 nology officers.

1 (2) Lead an interagency effort, working with
2 the chief technology and chief information officers of
3 each of the Federal departments and agencies, to de-
4 velop and implement a planning process to ensure
5 that they use best-in-class technologies, share best
6 practices, and improve the use of technology in sup-
7 port of Federal Government requirements.

8 (3) Advise the President on information tech-
9 nology considerations with regard to Federal budg-
10 ets and with regard to general coordination of the
11 research and development programs of the Federal
12 Government for information technology-related mat-
13 ters.

14 (4) Promote technological innovation in the
15 Federal Government, and encourage and oversee the
16 adoption of robust cross-governmental architectures
17 and standards-based information technologies, in
18 support of effective operational and management
19 policies, practices, and services across Federal de-
20 partments and agencies and with the public and ex-
21 ternal entities.

22 (5) Establish cooperative public-private sector
23 partnership initiatives to achieve knowledge of tech-
24 nologies available in the marketplace that can be
25 used for improving governmental operations and in-

1 formation technology research and development ac-
2 tivities.

3 (6) Gather timely and authoritative information
4 concerning significant developments and trends in
5 information technology, and in national priorities,
6 both current and prospective, and analyze and inter-
7 pret the information for the purpose of determining
8 whether the developments and trends are likely to
9 affect achievement of the priority goals of the Fed-
10 eral Government.

11 (7) Develop, review, revise, and recommend cri-
12 teria for determining information technology activi-
13 ties warranting Federal support, and recommend
14 Federal policies designed to advance the develop-
15 ment and maintenance of effective and efficient in-
16 formation technology capabilities, including human
17 resources, at all levels of government, academia, and
18 industry, and the effective application of the capa-
19 bilities to national needs.

20 (8) Any other functions and activities that the
21 President may assign to the Federal CTO.

22 (c) POLICY PLANNING; ANALYSIS AND ADVICE.—The
23 Office shall serve as a source of analysis and advice for
24 the President and heads of Federal departments and agen-
25 cies with respect to major policies, plans, and programs

1 of the Federal Government in accordance with the func-
2 tions described in subsection (b).

3 (d) COORDINATION OF THE OFFICE WITH OTHER
4 ENTITIES.—

5 (1) FEDERAL CTO ON DOMESTIC POLICY COUN-
6 CIL.—The Federal CTO shall be a member of the
7 Domestic Policy Council.

8 (2) FEDERAL CTO ON CYBER SECURITY PRAC-
9 TICE BOARD.—The Federal CTO shall be a member
10 of the Federal Cybersecurity Practice Board.

11 (3) OBTAIN INFORMATION FROM AGENCIES.—
12 The Office may secure, directly from any depart-
13 ment or agency of the United States, information
14 necessary to enable the Federal CTO to carry out
15 this section. On request of the Federal CTO, the
16 head of the department or agency shall furnish the
17 information to the Office, subject to any applicable
18 limitations of Federal law.

19 (4) STAFF OF FEDERAL AGENCIES.—On re-
20 quest of the Federal CTO, to assist the Office in
21 carrying out the duties of the Office, the head of any
22 Federal department or agency may detail personnel,
23 services, or facilities of the department or agency to
24 the Office.

25 (e) ANNUAL REPORT.—

1 (1) PUBLICATION AND CONTENTS.—The Fed-
2 eral CTO shall publish, in the Federal Register and
3 on a public Internet website of the Federal CTO, an
4 annual report that includes the following:

5 (A) Information on programs to promote
6 the development of technological innovations.

7 (B) Recommendations for the adoption of
8 policies to encourage the generation of techno-
9 logical innovations.

10 (C) Information on the activities and ac-
11 complishments of the Office in the year covered
12 by the report.

13 (2) SUBMISSION.—The Federal CTO shall sub-
14 mit each report under paragraph (1) to—

15 (A) the President;

16 (B) the Committee on Oversight and Gov-
17 ernment Reform of the House of Representa-
18 tives;

19 (C) the Committee on Science and Tech-
20 nology of the House of Representatives; and

21 (D) the Committee on Commerce, Science,
22 and Transportation of the Senate.

23 **SEC. 1099G. AUTHORITY OF SECRETARY.**

24 (a) IN GENERAL.—The Secretary shall have primary
25 authority, in consultation with the Director of the Na-

1 tional Office for Cyberspace and the Federal Cyberspace
2 Practice Board, in the executive branch of the Federal
3 Government in creation, verification, and enforcement of
4 measures with respect to the protection of critical informa-
5 tion infrastructure, including promulgating risk-informed
6 information security practices and standards applicable to
7 critical information infrastructures that are not owned by
8 or under the direct control of the Federal Government.
9 The Secretary should consult with appropriate private sec-
10 tor entities, including private owners and operators of the
11 affected infrastructure, to carry out this section.

12 (b) OTHER FEDERAL AGENCIES.—In establishing
13 measures with respect to the protection of critical informa-
14 tion infrastructure the Secretary shall—

15 (1) consult with the Secretary of Commerce, the
16 Secretary of Defense, the National Institute of
17 Standards and Technology, and other sector specific
18 Federal regulatory agencies in exercising the author-
19 ity referred to in subsection (a); and

20 (2) coordinate, through the Executive Office of
21 the President, with sector specific Federal regulatory
22 agencies, including the Federal Energy Regulatory
23 Commission, in establishing enforcement mecha-
24 nisms under the authority referred to in subsection
25 (a).

1 (c) AUDITING AUTHORITY.—The Secretary may—

2 (1) conduct such audits as are necessary to en-
3 sure that appropriate measures are taken to secure
4 critical information infrastructure;

5 (2) issue such subpoenas as are necessary to
6 determine compliance with Federal regulatory re-
7 quirements for securing critical information infra-
8 structure; and

9 (3) authorize sector specific Federal regulatory
10 agencies to undertake such audits.

11 (d) DEFINITIONS.—In this section:

12 (1) CRITICAL INFORMATION INFRASTRUC-
13 TURE.—The term “critical information infrastruc-
14 ture” means the electronic information and commu-
15 nications systems, software, and assets that control,
16 protect, process, transmit, receive, program, or store
17 information in any form, including data, voice, and
18 video, relied upon by critical infrastructure, indus-
19 trial control systems such as supervisory control and
20 data acquisition systems, and programmable logic
21 controllers. This shall also include such systems of
22 the Federal Government.

23 (2) SECRETARY.—The term “Secretary” means
24 the Secretary of Homeland Security.

1 **SEC. 1099H. EFFECTIVE DATE.**

2 (a) IN GENERAL.—Unless otherwise specified in this
3 section, this subtitle (including the amendments made by
4 this subtitle) shall take effect 30 days after the date of
5 enactment of this Act.

6 (b) NATIONAL OFFICE FOR CYBERSPACE.—Section
7 3553 of title 44, United States Code, as added by section
8 1099C of this subtitle, shall take effect 180 days after
9 the date of enactment of this Act.

10 (c) FEDERAL CYBERSECURITY PRACTICE BOARD.—
11 Section 3554 of title 44, United States Code, as added
12 by section 1099C of this subtitle, shall take effect one year
13 after the date of enactment of this Act.

14 **SEC. 1099I. FUNDING OFFSETTING REDUCTION.**

15 Notwithstanding the amounts set forth in the funding
16 tables in division D, the amount authorized to be appro-
17 priated in section 4301 for Operations and Maintenance,
18 as specified in the corresponding funding table in division
19 D, is hereby reduced by \$1,500,000,000.



**50. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE AMASH
OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

**AMENDMENT TO H.R. 1549, AS REPORTED
OFFERED BY MR. AMASH OF MICHIGAN, MS. LEE
OF CALIFORNIA, MR. CONYERS OF MICHIGAN,
MR. JONES OF NORTH CAROLINA, MR. NAD-
LER OF NEW YORK, AND MR. PAUL OF TEXAS**

Strike section 1034 (page 440, line 16 through page
441, line 21).



**51. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
ROGERS OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. ROGERS OF MICHIGAN**

Page 531, after line 2, insert the following:

1 **SEC. 1099C. EXHUMATION AND TRANSFER OF REMAINS OF**
2 **DECEASED MEMBERS OF THE ARMED**
3 **FORCES BURIED IN TRIPOLI, LIBYA.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law, the Secretary of Defense shall take whatever
6 steps may be necessary to—

7 (1) exhume the remains of any deceased mem-
8 bers of the Armed Forces of the United States bur-
9 ied at a burial site described in subsection (b);

10 (2) transfer such remains to an appropriate
11 forensics laboratory to be identified;

12 (3) in the case of any remains that are identi-
13 fied, transport the remains to a veterans cemetery
14 located in proximity, as determined by the Secretary,
15 to the closest living family member of the deceased
16 individual or at another cemetery as determined by
17 the Secretary;

18 (4) for any member of the Armed Forces whose
19 remains are identified, provide a military funeral
20 and burial; and

1 (5) in the case of any remains that are unable
2 to be identified, transport the remains to Arlington
3 National Cemetery for interment at the Tomb of the
4 Unknowns.

5 (b) BURIAL SITES DESCRIBED.—The burial sites de-
6 scribed in this subsection are the following:

7 (1) The mass burial site containing the remains
8 of five United States sailors located in Protestant
9 Cemetery in Tripoli, Libya.

10 (2) The mass burial site containing the remains
11 of eight United States sailors located near the walls
12 of the Tripoli Castle in Tripoli, Libya.

13 (c) EFFECTIVE DATE.—This section takes effect on
14 the date on which NATO's Operation Unified Protector
15 or any successor operation terminates.



**52. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
CAMPBELL OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. CAMPBELL OF CALIFORNIA**

Page 548, after line 8, add the following new section:

1 **SEC. 1115. TERMINATION OF JOINT SAFETY CLIMATE AS-**
2 **SESSMENT SYSTEM.**

3 Effective as of October 1, 2011, or the date of the
4 enactment of this Act, whichever is later, the Joint Safety
5 Climate Assessment System of the Department of Defense
6 is terminated.



**53. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
CAMPBELL OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. CAMPBELL OF CALIFORNIA**

Page 548, after line 8, add the following new section:

1 **SEC. 1115. TERMINATION OF HUMAN, SOCIAL, AND CUL-**
2 **TURE BEHAVIOR (HSCB) MODELING PRO-**
3 **GRAM.**

4 Effective as of October 1, 2011, or the date of the
5 enactment of this Act, whichever is later, the program of
6 the Department of Defense commonly known as the
7 Human, Social, and Culture Behavior (HSCB) Modeling
8 Program is terminated.



**54. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
CAMPBELL OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. CAMPBELL OF CALIFORNIA**

Page 548, after line 8, add the following new section:

1 **SEC. 1115. REDUCTION IN THE NUMBER OF CIVILIAN POSI-**
2 **TIONS WITHIN THE DEPARTMENT OF DE-**
3 **FENSE.**

4 (a) DEFINITIONS, ETC.—For purposes of this sec-
5 tion—

6 (1) the term “Secretary” means the Secretary
7 of Defense;

8 (2) the term “civilian position” means a posi-
9 tion that is required to be filled by a civilian em-
10 ployee of the Department of Defense;

11 (3) the term “baseline number” means the
12 number of civilian positions within the Department
13 of Defense as of the last day of the fiscal year in
14 which occurs the date of enactment of this Act; and

15 (4) the number of civilian positions within the
16 Department of Defense as of any given date shall be
17 determined and expressed on a full-time equivalent
18 basis.

1 (b) REDUCTIONS.—The Secretary shall take appro-
2 priate measures to ensure that the total number of civilian
3 positions within the Department of Defense does not ex-
4 ceed—

5 (1) at the end of the 1st fiscal year beginning
6 after the date of enactment of this Act, the baseline
7 number reduced by 1 percent;

8 (2) at the end of the 2nd fiscal year beginning
9 after the date of enactment of this Act, the baseline
10 number reduced by 2 percent;

11 (3) at the end of the 3rd fiscal year beginning
12 after the date of enactment of this Act, the baseline
13 number reduced by 3 percent;

14 (4) at the end of the 4th fiscal year beginning
15 after the date of enactment of this Act, the baseline
16 number reduced by 4 percent; and

17 (5) at the end of the 5th fiscal year beginning
18 after the date of enactment of this Act, the baseline
19 number reduced by 5 percent.

20 (c) RESTRICTION.—The Secretary shall take appro-
21 priate measures to ensure that no increase occurs in the
22 procurement of personal services by contract by reason of
23 the enactment of this section.

24 (d) REGULATIONS.—Any regulations necessary to
25 carry out this section shall be prescribed by the Secretary.

1 (e) TERMINATION.—The provisions of this section
2 shall terminate after the end of the 5th fiscal year begin-
3 ning after the date of enactment of this Act.



**55. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MCGOVERN OF MASSACHUSETTS OR HIS DESIGNEE,
DEBATABLE FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. MCGOVERN OF
MASSACHUSETTS**

At the end of subtitle B of title XII of division A
of the bill, add the following:

1 **SEC. 12xx. PLAN WITH TIMEFRAME FOR ACCELERATED**
2 **TRANSITION OF UNITED STATES FORCES**
3 **FROM AFGHANISTAN AND PLAN WITH TIME-**
4 **FRAME FOR ACCELERATED TALKS WITH THE**
5 **GOVERNMENT OF AFGHANISTAN.**

6 (a) PLAN WITH TIMEFRAME FOR ACCELERATED
7 TRANSITION OF U.S. FORCES FROM AFGHANISTAN.—Not
8 later than 60 days after the date of the enactment of this
9 Act, the President shall transmit to Congress a plan with
10 a timeframe and completion date for the accelerated tran-
11 sition of United States military and security operations
12 in Afghanistan to the Government of Afghanistan (includ-
13 ing operations involving military and security-related con-
14 tractors).

15 (b) PLAN WITH TIMEFRAME FOR ACCELERATED
16 TALKS WITH THE GOVERNMENT OF AFGHANISTAN.—Not
17 later than 60 days after the date of the enactment of this
18 Act, the President shall transmit to Congress a plan with

1 a timeframe to pursue and conclude negotiations leading
2 to a political settlement and reconciliation of the internal
3 conflict in Afghanistan. Such negotiations will include the
4 Government of Afghanistan, all interested parties within
5 Afghanistan, and with the observance and support of rep-
6 resentatives of donor nations active in Afghanistan.

7 (c) NATIONAL INTELLIGENCE ESTIMATE ON AL-
8 QAEDA.—The Director of National Intelligence shall sub-
9 mit to the President and Congress a new National Intel-
10 ligence Estimate on the leadership, locations, and capabili-
11 ties of al-Qaeda and its affiliated networks and cells. Such
12 National Intelligence Estimate shall be submitted as soon
13 as is practicable, but not later than the end of the 90-
14 day period beginning on the date of the enactment of this
15 Act.

16 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion shall be construed so as to limit or prohibit any au-
18 thority of the President to—

19 (1) attack al Qaeda forces wherever such forces
20 are located;

21 (2) gather, provide, and share intelligence with
22 United States allies operating in Afghanistan and
23 Pakistan; or

24 (3) modify the military strategy, tactics, and
25 operations of the United States Armed Forces as

1 such Armed Forces redeploy from Afghanistan pur-
2 suant to the accelerated transition timeframe and
3 completion date developed under subsection (a).



56. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
CHAFFETZ OF UTAH OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

AMENDMENT TO H.R. 1540, AS REPORTED

OFFERED BY MR. WELCH OF VERMONT

Chaffetz of CO

At the end of subtitle B of title XII, add the following new section:

1 **SEC. 1217. SAFE WITHDRAWAL OF UNITED STATES GROUND**
2 **FORCES FROM AFGHANISTAN.**

3 (a) COMMENCEMENT OF WITHDRAWAL.—Except as
4 provided in subsection (b), the Secretary of Defense, in
5 consultation with military commanders and the Govern-
6 ment of Afghanistan, shall commence a safe, responsible,
7 and phased withdrawal of units and members of the Army
8 and Marine Corps deployed in Afghanistan and military
9 contractors operating in Afghanistan and funded using
10 amounts appropriated to the Department of Defense.

11 (b) RETENTION OF FORCES FOR COUNTER-TER-
12 RORISM OPERATIONS.—The Secretary of Defense may
13 continue to deploy units and members of the Army and
14 Marine Corps in Afghanistan, and military contractors
15 supporting such forces, to conduct small, targeted counter-
16 terrorism operations.

17 (c) WITHDRAWAL PLAN.—Not later than 60 days
18 after the date of the enactment of this Act, the Secretary
19 of Defense shall submit to Congress the plan for imple-

1 menting the withdrawal of United States ground forces,
2 military equipment, and military contractors supporting
3 such forces from Afghanistan as safely and quickly as pos-
4 sible pursuant to subsection (a). The Secretary shall sub-
5 mit additional reports on the progress of implementing the
6 plan every 180 days thereafter.



**57. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DAVIS
OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10
MINUTES**

AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MRS. DAVIS OF CALIFORNIA

At the end of subtitle B of title XII of division A
of the bill, add the following:

1 **SEC. 12xx. LIMITATION ON AMOUNTS FROM AFGHANISTAN**
2 **INFRASTRUCTURE FUND.**

3 Not more than 75 percent of amounts made available
4 to the Afghanistan Infrastructure Fund for fiscal year
5 2012 may be used to provide assistance to the Government
6 of Afghanistan unless the Secretary of Defense, in con-
7 sultation with the Secretary of State, determines and cer-
8 tifies to Congress that women in Afghanistan are an inte-
9 gral part of the reconciliation process between the Afghan
10 Government and the Taliban.



**58. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
GARRETT OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR
10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. GARRETT OF NEW JERSEY**

At the end of subtitle C of title XII of division A
of the bill, add the following:

**1 SEC. 12xx. RULE OF CONSTRUCTION RELATING TO SITUA-
2 TION IN LIBYA.**

3 Nothing in this Act or any amendment made by this
4 Act shall be construed to authorize military operations in
5 Libya.



**59. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
ROHRBACHER OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. ROHRABACHER OF CALIFORNIA**

At the end of subtitle C of title XII of division A
of the bill, add the following:

1 **SEC. 12xx. AUTHORITY TO REMOVE SATELLITES AND RE-**
2 **LATED COMPONENTS FROM THE UNITED**
3 **STATES MUNITIONS LIST.**

4 (a) **AUTHORITY.**—Except as provided in subsection
5 (b) and subject to subsection (d), the President is author-
6 ized to remove satellites and related components from the
7 United States Munitions List, consistent with the proce-
8 dures in section 38(f) of the Arms Export Control Act (22
9 U.S.C. 2778(f)).

10 (b) **EXCEPTION.**—The authority of subsection (a)
11 may not be exercised with respect to any satellite or re-
12 lated component that may, directly or indirectly, be trans-
13 ferred to, or launched into outer space by—

14 (1) the People's Republic of China, including
15 restrictions contained in the Foreign Relations Au-
16 thorization Act, Fiscal Years 1990 and 1991 (Public
17 Law 101-246), the Strom Thurmond National De-
18 fense Authorization Act for Fiscal Year 1999 (Pub-
19 lic Law 105-261), and the National Defense Au-

1 thorization Act for Fiscal Year 2000 (Public Law
2 106-65); or

3 (2) Burma, North Korea, Pakistan, or Ven-
4 ezuela or any country that is a state sponsor of ter-
5 rorism.

6 (c) DEFINITIONS.—In this section—

7 (1) the term “state sponsor of terrorism”
8 means any country the government of which the Sec-
9 retary of State determines has repeatedly provided
10 support for acts of international terrorism pursuant
11 to section 6(j) of the Export Administration Act of
12 1979 (as continued in effect pursuant to the Inter-
13 national Emergency Economic Powers Act), section
14 40 of the Arms Export Control Act, section 620A of
15 the Foreign Assistance Act of 1961, or any other
16 provision of law; and

17 (2) the term “United States Munitions List”
18 means the list referred to in section 38(a)(1) of the
19 Arms Export Control Act (22 U.S.C. 2778(a)(1)).

20 (d) EFFECTIVE DATE.—The President may not exer-
21 cise the authority provided in this section before the date
22 that is 90 days after the date of the enactment of this
23 Act.



**60. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POLIS
OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. POLIS OF COLORADO
(National Defense Authorization Act)**

At the end of title XII, add the following new section:

1 SEC. 12__ . REDUCTION IN END STRENGTH LEVEL OF
2 MEMBERS OF THE UNITED STATES ARMED
3 FORCES ASSIGNED TO PERMANENT DUTY IN
4 EUROPE AND CORRESPONDING GENERAL
5 END STRENGTH REDUCTIONS.

6 (a) EUROPEAN END STRENGTH LEVEL.—Effective
7 September 30, 2012, the end strength level of members
8 of the Armed Forces of the United States assigned to per-
9 manent duty ashore in Europe may not exceed a perma-
10 nent ceiling of 30,000 in any fiscal year.

11 (b) EXCLUSION OF CERTAIN MEMBERS.—For pur-
12 poses of this section, the following members of the Armed
13 Forces are excluded in calculating the end strength level
14 of members of the Armed Forces of the United States as-
15 signed to permanent duty ashore in Europe:

16 (1) Members assigned to permanent duty
17 ashore in Iceland, Greenland, and the Azores.

1 (2) Members performing duties in Europe for
2 more than 179 days under a military-to-military
3 contact program under section 168 of title 10,
4 United States Code.

5 (c) EXCEPTIONS; WAIVER.—This section shall not
6 apply in the event of a declaration of war or an armed
7 attack on any European member nation of the North At-
8 lantic Treaty Organization. The President may waive op-
9 eration of this section if the President declares an emer-
10 gency and immediately informs the Congress of the waiver
11 and the reasons therefor.

12 (d) REPEAL OF SUPERCEDED END STRENGTH LIMITATION.—Section 1002 of the Department of Defense Au-
13 thorization Act, 1985 (22 U.S.C. 1928 note) is repealed.

14 (e) CONFORMING CHANGES TO OVERALL END
15 STRENGTH LEVELS.—

16 (1) END STRENGTHS FOR ACTIVE FORCES FOR
17 FISCAL YEAR 2012 .—Notwithstanding section 401,
18 the Armed Forces are authorized strengths for ac-
19 tive duty personnel as of September 30, 2012, as
20 follows:
21 follows:

22 (A) The Army, 556,600.

23 (B) The Navy, 325,239.

24 (C) The Marine Corps, 202,000.

25 (D) The Air Force, 328,800.

1 (2) CONTINUATION OF REDUCTIONS IN SUBSE-
2 QUENT FISCAL YEARS.—For each of fiscal years
3 2013 through 2016, the end strength numbers shall
4 be reduced by an additional 10,000 a year, as fol-
5 lows:

6 (A) 5,400 a year from the Army.

7 (B) 4,000 a year from the Air Force.

8 (C) 500 a year from the Navy.

9 (D) 100 a year from the Marine Corps.

10 (3) REVISION IN PERMANENT ACTIVE DUTY
11 END STRENGTH MINIMUM LEVELS.—Section 691(b)
12 of title 10, United States Code, as amended by sec-
13 tion 402, is amended by striking paragraphs (1)
14 through (4) and inserting the following new para-
15 graphs:

16 “(1) For the Army, 535,000.

17 “(2) For the Navy, 323,239.

18 “(3) For the Marine Corps, 201,600.

19 “(4) For the Air Force, 312,800.”.



**61. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
CONYERS JR. OF MICHIGAN OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. CONYERS OF MICHIGAN**

At the end of title XII, add the following new section:

1 **SEC. 12__.** **PROHIBITION ON UNITED STATES GROUND**
2 **COMBAT PRESENCE IN LIBYA.**

3 No funds appropriated pursuant to an authorization
4 of appropriations in this Act may be obligated or expended
5 for the purpose of—

6 (1) deploying members of the United States
7 Armed Forces on to the ground of Libya for the
8 purposes of engaging in ground combat operations,
9 unless the purpose of such deployment is limited
10 solely to rescuing members of the United States
11 Armed Forces from imminent danger;

12 (2) awarding a contract to a private security
13 contractor to conduct any activity on the ground of
14 Libya; or

15 (3) otherwise establishing or maintaining any
16 presence of members of the United States Armed
17 Forces or private security contractors on the ground
18 of Libya, unless the purpose of such presence is lim-

- 1 ited solely to rescuing members of the United States
- 2 Armed Forces from imminent danger.

☒ .

62. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLAKE
OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. FLAKE OF ARIZONA**

At the end of section 1433, relating to the Mission Force Enhancement Transfer Fund, add the following new subsection:

1 (h) ELIMINATION OF REMAINING FUNDS.—The
2 amount otherwise authorized to be appropriated for the
3 Mission Force Enhancement Transfer Fund for fiscal year
4 2012, as specified in the funding table in section 4501,
5 is reduced by \$348,256,000, which represents the amount
6 of funds not needed to carry out projects identified in
7 H.R. 1540 of the 112th Congress, as reported by the Com-
8 mittee on Armed Services of the House of Representatives.



**63. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
ELLISON OF MINNESOTA OR HIS DESIGNEE, DEBATABLE FOR
10 MINUTES**

[BUDGET ITEM RELATING TO LHA-7 SHIP PROGRAM]

AMENDMENT TO H.R. 1540, AS REPORTED

~~OFFERED BY MR. ELLISON OF MINNESOTA~~

Page 616, strike line 18 and all that follows through
line 13 on page 617.



**64. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
SANCHEZ OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR
10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MS. LORETTA SANCHEZ OF
CALIFORNIA**

Page 708, after line 12, insert the following:

1 **SEC. 1699F-1. BUDGET REDUCTION FOR GROUND-BASED**
2 **MIDCOURSE DEFENSE SYSTEM.**

3 Notwithstanding the amounts set forth in the funding
4 tables in division D, the amount authorized to be appro-
5 priated in section 201 for research, development, test, and
6 evaluation, Defense-Wide, as specified in the cor-
7 responding funding table in division D, is hereby reduced
8 by \$100,000,000, with the amount of the reduction to be
9 derived from Line 084 Ground-Based Midcourse Defense
10 Segment, PE 0603882C, as set forth in the table under
11 section 4201.



**65. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
QUIGLEY OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES**

180

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. QUIGLEY OF ILLINOIS**

Page 708, after line 12, insert the following:

**1 SEC. 1699F-1. BUDGET REDUCTION FOR RESEARCH, DEVEL-
2 OPMENT, TEST, AND EVALUATION.**

3 Notwithstanding the amounts set forth in the funding
4 tables in division D, the total amount authorized to be
5 appropriated in section 201 for research, development,
6 test, and evaluation, Navy, as specified in the cor-
7 responding funding table in division D, is hereby reduced
8 by 10 percent, with the amount of the reduction to be de-
9 rived from a 10 percent reduction of each account under
10 the table under section 4201.



**66. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
SOUTHERLAND OF FLORIDA OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES**

18812

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. SOUTHERLAND OF FLORIDA**

Page 736, beginning on line 1, strike section 2307
and insert the following new section:

1 **SEC. 2307. LIMITATION ON IMPLEMENTATION OF CONSOLI-**
2 **DATION OF AIR AND SPACE OPERATIONS**
3 **CENTER OF THE AIR FORCE.**

4 (a) SUBMISSION OF NOTICE.—The Secretary of the
5 Air Force may not disestablish, close, or realign any ele-
6 ment of the Air and Space Operations Center consolida-
7 tion initiative until the Secretary of the Air Force submits
8 a notice of the proposed disestablishment, closure, or re-
9 alignment to the congressional defense committees.

10 (b) CONSULTATION.—The Secretary of the Air Force
11 shall prepare a notice under subsection (a) in consultation
12 with the commanders of the combatant commands.



**67. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE YOUNG
OF ALASKA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. YOUNG OF ALASKA**

At the end of subtitle A of title XXVIII, add the following new section:

1 **SEC. 2806. LIMITATION ON USE OF MILITARY FAMILY HOUS-**
2 **ING CONSTRUCTION FUNDS TO REPLACE**
3 **COMMUNITY HOUSING RESOURCES CON-**
4 **STRUCTED UNDER BUILD-TO-LEASE AUTHOR-**
5 **ITY.**

6 Section 2835 of title 10, United States Code, is
7 amended by adding at the end the following new section:

8 “(i) **LIMITATION ON REPLACEMENT OF HOUSING**
9 **RESOURCES CONSTRUCTED UNDER BUILD-TO-LEASE AU-**
10 **THORITY.**—The Secretary shall—

11 “(1) seek to utilize, to the maximum extent pos-
12 sible, military family housing acquired or con-
13 structed under this section or under the former sec-
14 tion 2828(g) of this title (commonly known as the
15 ‘Build to Lease program’), as added by section 801
16 of the Military Construction Authorization Act, 1984
17 (Public Law 98–115; 97 Stat 782), as community
18 based housing during outlease periods through nego-
19 tiated changes to outlease terms that will maximize

1 the useful economic life of the housing resources and
2 provide for priority use by military families;

3 “(2) use funds made available for the construc-
4 tion of military family housing on military installa-
5 tions for the construction and planning for the re-
6 placement of community housing resources available
7 to military families and constructed on Federal land
8 only upon making a finding that further utilization
9 of the housing described in paragraph (1) is not fea-
10 sible or is not in the national interest; and

11 “(3) take all reasonable efforts to give effect to
12 existing Department of Defense policies encouraging
13 the provision of housing for military families
14 through community housing resources located out-
15 side of military installations when planning for the
16 construction and utilization of military family hous-
17 ing.”.



**68. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE YOUNG
OF ALASKA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

Revised Amdt. 183

AMENDMENT TO H.R. 1540, AS REPORTED OFFERED BY MR. YOUNG OF ALASKA

At the end of title XXXV add the following:

1 **SEC. ____ . STRATEGIC PORT ASSESSMENT AND REPORT,**

2 (a) IN GENERAL.—Not later than six months after
3 the date of enactment of this Act, the Secretary of Defense
4 shall submit to the congressional defense committees an
5 assessment and report on port facilities used for military
6 purposes at ports designated by the Department of De-
7 fense as strategic seaports, regarding the following:

8 (1) The structural integrity and deficiencies of
9 the port facilities and infrastructure improvements
10 needed directly and indirectly to meet national secu-
11 rity and readiness requirements.

12 (2) The impact on operational readiness if the
13 improvements are not undertaken.

14 (3) Identifying, to the maximum extent prac-
15 tical, all potential funding sources for the needed im-
16 provements from existing authorities.

17 (b) CONSULTATION.—The Secretary of Defense shall
18 prepare the report required by subsection (a) in consulta-
19 tion with the Maritime Administrator and each of the port

- 1 facilities used for military purposes at ports designated by
- 2 the Department of Defense as strategic seaports.



69. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE YOUNG
OF ALASKA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. YOUNG OF ALASKA**

At the end of title XXXV add the following:

1 **SEC. ____ AUTHORIZATION OF APPROPRIATIONS FOR**
2 **STRATEGIC PORTS INFRASTRUCTURE.**

3 (a) IN GENERAL.—There is authorized to be appro-
4 priated \$100,000,000 for fiscal year 2012 for infrastruc-
5 ture improvements to port facilities used for military pur-
6 poses at ports designated by the Department of Defense
7 as strategic seaports. Such sums shall be transferred to
8 the Maritime Administrator for purposes of administra-
9 tion and making grants, and shall remain available until
10 expended.

11 (b) FUNDING.—Funding for grants under this sec-
12 tion shall be derived from 1 percent of amounts otherwise
13 authorized by this Act for contingency amounts provided
14 for in contracts for procurement of goods and services by
15 the Department of Defense, up to a maximum of
16 \$100,000,000.



**70. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PETRI
OF WISCONSIN OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. PETRI OF WISCONSIN**

Page 775, line 8, insert “, including electricity and
direct use” after “Solar”.



**71. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
WILSON OF SOUTH CAROLINA OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. WILSON OF SOUTH CAROLINA**

Page 825, after line 2, insert the following:

1 **SEC. 3114. DEFENSE NUCLEAR WASTE DISPOSAL POLICY.**

2 (a) IN GENERAL.—The Secretary of Energy, in co-
3 ordination with the Secretary of Defense and the Adminis-
4 trator for Nuclear Security, shall ensure that high-level
5 radioactive waste resulting from the activities of the De-
6 partment of Defense and the National Nuclear Security
7 Administration shall be stored at the nuclear waste reposi-
8 tory located at Yucca Mountain, Nevada, until a new loca-
9 tion for such waste has been sited and approved.

10 (b) FUNDING INCREASE AND OFFSETTING REDUC-
11 TION.—

12 (1) IN GENERAL.—Notwithstanding the
13 amounts set forth in the funding tables in division
14 D—

15 (A) the amount authorized to be appro-
16 priated in this title for Department of Energy
17 national security programs, as specified in the
18 corresponding funding table in division D, is
19 hereby increased by \$197,000,000, with the
20 amount of the increase allocated to Defense

1 Nuclear Waste Disposal, as set forth in the
2 table under section 4701, for the purposes of
3 opening and operating a repository for high-
4 level defense nuclear waste; and

5 (B) the amount authorized to be appro-
6 priated in section 301 for operation and main-
7 tenance, as specified in the corresponding fund-
8 ing table in division D, is hereby reduced by
9 \$197,000,000, with the amount of the reduction
10 to be derived from Line 090 Environmental
11 Restoration, Formerly Used Sites as set forth
12 in the table under section 4301.

13 (2) MERIT-BASED OR COMPETITIVE DECI-
14 SIONS.—A decision to commit, obligate, or expend
15 funds referred to in paragraph (1)(A) with or to a
16 specific entity shall—

17 (A) be based on merit-based selection pro-
18 cedures in accordance with the requirements of
19 sections 2304(k) and 2374 of title 10, United
20 States Code, or on competitive procedures; and

21 (B) comply with other applicable provisions
22 of law.



**72. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DAVIS
OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10
MINUTES**

AMENDMENT TO H.R. 1540
OFFERED BY MRS. DAVIS OF CALIFORNIA

At the appropriate place in the bill, insert the following:

1 **SEC. ____ . MAINTENANCE, REPAIR, AND OVERHAUL CAPA-**
2 **BILITY OF NAVY UNMANNED AERIAL SYS-**
3 **TEMS.**

4 ~~(a) IN GENERAL.—The Secretary of the Navy shall~~
5 ~~advance Department of the Navy's unmanned aerial sys-~~
6 ~~tems maintenance, repair, and overhaul capability in ac-~~
7 ~~cordance with section 2464 of title 10, United States~~
8 ~~Code, by directing the assignment of the Fleet Readiness~~
9 ~~Center Southwest as the Lead Maintenance Technical~~
10 ~~Center for Navy unmanned aerial systems.~~

11 **(a) (b) REPORT TO CONGRESS.**—Not later than 180 days
12 after the date of the enactment of this Act, the Secretary
13 of the Navy shall submit to the congressional defense com-
14 mittees a report on the efforts being made to establish
15 maintenance, repair, and overhaul capability for Navy un-
16 manned aerial systems.



**73. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MCKEON OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR
10 MINUTES**

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**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. McKEON OF CALIFORNIA**

Page 712, line 8, strike “SIMULATION TRAINING SYSTEMS” and insert “CIVIL SUPPORT TEAM INFORMATION MANAGEMENT SYSTEMS”.

Page 712, line 13, after “Budget Activity 12” insert “, Line 070, Force Readiness Operations Support”.

Page 712, line 17, strike “simulation training systems” and insert “Civil Support Team Information Management Systems”.



**74. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE AKIN
OF MISSOURI OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. AKIN OF MISSOURI**

At the end of title VIII, add the following new section:

1 **SEC. 845. SENSE OF CONGRESS ON LONG-TERM CONTRACTING FOR ALTERNATIVE FUELS.**

2
3 It is the sense of Congress that long-term contracting
4 for alternative fuels is in the best interests of the Department of Defense and is a wise use of taxpayer resources.
5 Long-term contracts provide stability for industry, which
6 allows them to drive the cost down. Long-term contracts
7 also provide some insulation to the Department of Defense
8 from fuel price increases. The Department of Defense has
9 asked for the authority to enter into long-term contracts
10 for alternative fuels, and it is the sense of Congress that
11 this is a valuable proposal and should be supported.
12



**75. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
BRALEY OF IOWA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES**

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**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. BRALEY OF IOWA**

Page 594, after line 21, insert the following:

**1 SEC. 1231. REPORT ON LONG-TERM COSTS OF OPERATION
2 IRAQI FREEDOM, OPERATION ENDURING
3 FREEDOM, AND OPERATION ODYSSEY DAWN.**

4 (a) REPORT REQUIREMENT.—Not later than 90 days
5 after the date of the enactment of this Act, the President,
6 with contributions from the Secretary of Defense, the Sec-
7 retary of State, and the Secretary of Veterans Affairs,
8 shall submit to Congress a report containing an estimate
9 of the long-term costs of Operation New Dawn and Oper-
10 ation Enduring Freedom for each the following scenarios:

11 (1) The scenario in which the number of mem-
12 bers of the Armed Forces deployed in support of Op-
13 eration New Dawn and Operation Enduring Free-
14 dom is reduced from roughly 190,000 in 2011 to
15 150,000 in 2012, 65,000 in 2013, and 30,000 by
16 the beginning of 2014, and remains at 30,000
17 through 2020.

18 (2) The scenario in which the number of mem-
19 bers of the Armed Forces deployed in support of Op-
20 eration New Dawn and Operation Enduring Free-

1 dom rises to approximately 235,000 in 2011, is re-
2 duced to 230,000 in 2012, 195,000 in 2013,
3 135,000 in 2014, 80,000 in 2015, 60,000 in 2016,
4 and remains at 60,000 through 2020.

5 (3) An alternative scenario, determined by the
6 President and based on current contingency oper-
7 ation and withdrawal plans, which takes into ac-
8 count expected force levels and the expected length
9 of time that members of the Armed Forces will be
10 deployed in support of Operation New Dawn and
11 Operation Enduring Freedom.

12 (b) ESTIMATES TO BE USED IN PREPARATION OF
13 REPORT.— In preparing the report required by subsection
14 (b), the President shall make estimates and projections
15 through at least fiscal year 2020, adjust any dollar
16 amounts appropriately for inflation, and take into account
17 and specify each of the following:

18 (1) The total number of members of the Armed
19 Forces expected to be deployed in support of Oper-
20 ation New Dawn, Operation Enduring Freedom, and
21 Operation Odyssey Dawn, including—

22 (A) the number of members of the Armed
23 Forces actually deployed in Southwest Asia in
24 support of Operation New Dawn, Operation

1 Enduring Freedom, and Operation Odyssey
2 Dawn;

3 (B) the number of members of reserve
4 components of the Armed Forces called or or-
5 dered to active duty in the United States for
6 the purpose of training for eventual deployment
7 in Southwest Asia, backfilling for deployed
8 troops, or supporting other Department of De-
9 fense missions directly or indirectly related to
10 Operation New Dawn, Operation Enduring
11 Freedom, and Operation Odyssey Dawn; and

12 (C) the break-down of deployments of
13 members of the regular and reserve components
14 and activation of members of the reserve com-
15 ponents.

16 (2) The number of members of the Armed
17 Forces, including members of the reserve compo-
18 nents, who have previously served in support of Op-
19 eration Iraqi Freedom, Operation New Dawn, Oper-
20 ation Enduring Freedom, and Operation Odyssey
21 Dawn and who are expected to serve multiple de-
22 ployments.

23 (3) The number of contractors and private mili-
24 tary security firms that have been used and are ex-
25 pected to be used during the course of Operation

1 Iraqi Freedom, Operation New Dawn, Operation
2 Enduring Freedom, and Operation Odyssey Dawn.

3 (4) The number of veterans currently suffering
4 and expected to suffer from post-traumatic stress
5 disorder, traumatic brain injury, or other mental in-
6 juries.

7 (5) The number of veterans currently in need of
8 and expected to be in need of prosthetic care and
9 treatment because of amputations incurred during
10 service in support of Operation New Dawn, Oper-
11 ation Enduring Freedom, and Operation Odyssey
12 Dawn.

13 (6) The current number of pending Department
14 of Veterans Affairs claims from veterans of military
15 service in Iraq, Afghanistan, and Libya, and the
16 total number of such veterans expected to seek dis-
17 ability compensation from the Department of Vet-
18 erans Affairs.

19 (7) The total number of members of the Armed
20 Forces who have been killed or wounded in Iraq, Af-
21 ghanistan, or Libya, including noncombat casualties,
22 the total number of members expected to suffer inju-
23 ries in Iraq, Afghanistan, and Libya, and the total
24 number of members expected to be killed in Iraq,

1 Afghanistan, and Libya, including noncombat cas-
2 ualties.

3 (8) The amount of funds previously appro-
4 priated for the Department of Defense, the Depart-
5 ment of State, and the Department of Veterans Af-
6 fairs for costs related to Operation Iraqi Freedom,
7 Operation New Dawn, and Operation Enduring
8 Freedom, including an account of the amount of
9 funding from regular Department of Defense, De-
10 partment of State, and Department of Veterans Af-
11 fairs budgets that has gone and will go to costs asso-
12 ciated with such operations.

13 (9) Current and future operational expenditures
14 associated with Operation New Dawn, Operation
15 Enduring Freedom, and Operation Odyssey Dawn
16 including—

17 (A) funding for combat operations;

18 (B) deploying, transporting, feeding, and
19 housing members of the Armed Forces (includ-
20 ing fuel costs);

21 (C) activation and deployment of members
22 of the reserve components of the Armed Forces;

23 (D) equipping and training of Iraqi and
24 Afghani forces;

1 (E) purchasing, upgrading, and repairing
2 weapons, munitions, and other equipment con-
3 sumed or used in Operation Iraqi Freedom, Op-
4 eration New Dawn, Operation Enduring Free-
5 dom, and Operation Odyssey Dawn; and

6 (F) payments to other countries for
7 logistical assistance in support of such oper-
8 ations.

9 (10) Past, current, and future costs of entering
10 into contracts with private military security firms
11 and other contractors for the provision of goods and
12 services associated with Operation Iraqi Freedom,
13 Operation New Dawn, Operation Enduring Free-
14 dom, and Operation Odyssey Dawn.

15 (11) Average annual cost for each member of
16 the Armed Forces deployed in support of Operation
17 Iraqi Freedom, Operation New Dawn, Operation
18 Enduring Freedom, and Operation Odyssey Dawn,
19 including room and board, equipment and body
20 armor, transportation of troops and equipment (in-
21 cluding fuel costs), and operational costs.

22 (12) Current and future cost of combat-related
23 special pays and benefits, including reenlistment bo-
24 nuses.

1 (13) Current and future cost of calling or or-
2 dering members of the reserve components to active
3 duty in support of Operation New Dawn, Operation
4 Enduring Freedom, and Operation Odyssey Dawn.

5 (14) Current and future cost for reconstruction,
6 embassy operations and construction, and foreign
7 aid programs for Iraq and Afghanistan.

8 (15) Current and future cost of bases and other
9 infrastructure to support members of the Armed
10 Forces serving in Iraq and Afghanistan.

11 (16) Current and future cost of providing
12 health care for veterans who served in support of
13 Operation Iraqi Freedom, Operation New Dawn,
14 Operation Enduring Freedom, and Operation Odys-
15 sey Dawn—

16 (A) the cost of mental health treatment for
17 veterans suffering from post-traumatic stress
18 disorder and traumatic brain injury, and other
19 mental problems as a result of such service; and

20 (B) the cost of lifetime prosthetics care
21 and treatment for veterans suffering from am-
22 putations as a result of such service.

23 (17) Current and future cost of providing De-
24 partment of Veterans Affairs disability benefits for
25 the lifetime of veterans who incur disabilities while

1 serving in support of Operation Iraqi Freedom, Op-
2 eration New Dawn, Operation Enduring Freedom,
3 or Operation Odyssey Dawn.

4 (18) Current and future cost of providing sur-
5 vivors' benefits to survivors of members of the
6 Armed Forces killed while serving in support of Op-
7 eration Iraqi Freedom, Operation New Dawn, Oper-
8 ation Enduring Freedom, or Operation Odyssey
9 Dawn.

10 (19) Cost of bringing members of the Armed
11 Forces and equipment back to the United States
12 upon the conclusion of Operation New Dawn, Oper-
13 ation Enduring Freedom, or Operation Odyssey
14 Dawn, including the cost of demobilization, trans-
15 portation costs (including fuel costs), providing tran-
16 sition services for members of the Armed Forces
17 transitioning from active duty to veteran status,
18 transporting equipment, weapons, and munitions
19 (including fuel costs), and an estimate of the value
20 of equipment that will be left behind.

21 (20) Cost to restore the military and military
22 equipment, including the equipment of the reserve
23 components, to full strength after the conclusion of
24 Operation New Dawn or Operation Enduring Free-
25 dom.

1 (21) Amount of money borrowed to pay for Op-
2 eration Iraqi Freedom, Operation New Dawn, Oper-
3 ation Enduring Freedom, or Operation Odyssey
4 Dawn, and the sources of that money.

5 (22) Interest on money borrowed, including in-
6 terest for money already borrowed and anticipated
7 interest payments on future borrowing, for Oper-
8 ation Iraqi Freedom, Operation New Dawn, Oper-
9 ation Enduring Freedom, or Operation Odyssey
10 Dawn.

11 (c) Report Requirement- Not later than 90 days after
12 the date of the enactment of this Act, the President, with
13 contributions from the Secretary of Defense, the Secretary
14 of State, and the Secretary of Veterans Affairs, shall sub-
15 mit to Congress a report containing an estimate of the
16 long-term costs of Operation New Dawn and Operation
17 Enduring Freedom for each the following scenarios:

18 (1) The scenario in which the number of mem-
19 bers of the Armed Forces deployed in support of Op-
20 eration New Dawn and Operation Enduring Free-
21 dom is reduced from roughly 190,000 in 2011 to
22 150,000 in 2012, 65,000 in 2013, and 30,000 by
23 the beginning of 2014, and remains at 30,000
24 through 2020.

1 (2) The scenario in which the number of mem-
2 bers of the Armed Forces deployed in support of Op-
3 eration New Dawn and Operation Enduring Free-
4 dom rises to approximately 235,000 in 2011, is re-
5 duced to 230,000 in 2012, 195,000 in 2013,
6 135,000 in 2014, 80,000 in 2015, 60,000 in 2016,
7 and remains at 60,000 through 2020.

8 (3) An alternative scenario, determined by the
9 President and based on current contingency oper-
10 ation and withdrawal plans, which takes into ac-
11 count expected force levels and the expected length
12 of time that members of the Armed Forces will be
13 deployed in support of Operation New Dawn and
14 Operation Enduring Freedom.



76. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
BISHOP OF UTAH OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. BISHOP OF UTAH**

At the end of subtitle E of title XXVIII, add the following new section:

**1 SEC. 2852. LAND CONVEYANCE, FORMER DEFENSE DEPOT
2 OGDEN, UTAH.**

3 (a) CONVEYANCE OF RESIDUAL INTERESTS.—To fa-
4 cilitate the conveyance of a parcel of real property con-
5 sisting of approximately 2.73 acres at the former Defense
6 Depot Ogden, Utah, from the Weber Basin Disabled Cor-
7 poration to the Ogden City Redevelopment Authority (in
8 this section referred to as the “Redevelopment Author-
9 ity”), the Secretary of the Army and the Secretary of
10 Health and Human Services (in this section referred to
11 as the “Secretaries”), may convey, by quit claim deed, all
12 residual right, title, and interest of the United States (in-
13 cluding reversionary interests) in and to the property for
14 the purpose of permitting the Redevelopment Authority to
15 take immediate steps to prevent the further deterioration
16 of the building on the parcel and subsequently redevelop
17 the parcel.

18 (b) CONSIDERATION.—As consideration for the con-
19 veyance of residual United States interests in the property

1 described in subsection (a), the Redevelopment Authority
2 shall pay an amount equal to the fair market value of the
3 conveyed interests, as determined by the Secretaries.
4 Amounts received under this subsection shall be deposited
5 in the Department of Defense Base Closure Account 2005.
6 The amounts deposited shall be merged with other
7 amounts in such fund and be available for the same pur-
8 poses, and subject to the same conditions and limitations,
9 as amounts in such fund.

10 (c) PAYMENT OR COSTS OF CONVEYANCE.—

11 (1) IN GENERAL.—The Secretaries shall require
12 the Redevelopment Authority to cover costs to be in-
13 curred by the Secretaries, or to reimburse the Secre-
14 taries for costs incurred by the Secretaries, to carry
15 out the conveyance under subsection (a), including
16 costs related to environmental documentation and
17 other administrative costs. If amounts are collected
18 from the Redevelopment Authority in advance of the
19 Secretaries incurring the actual costs, and the
20 amount collected exceeds the costs actually incurred
21 by the Secretaries to carry out the conveyance, the
22 Secretaries shall refund the excess amount to the
23 Redevelopment Authority.

24 (2) TREATMENT OF AMOUNTS RECEIVED.—

25 Amounts received as reimbursements under para-

1 graph (1) shall be credited to the fund or account
2 that was used to cover the costs incurred in carrying
3 out the conveyance. Amounts so credited shall be
4 merged with amounts in such fund or account and
5 shall be available for the same purposes, and subject
6 to the same conditions and limitations, as amounts
7 in such fund or account.

8 (d) DESCRIPTION OF PROPERTY.—The exact acreage
9 and legal description of the real property to be conveyed
10 under subsection (a) shall be determined by a survey satis-
11 factory to the Secretaries.

12 (e) ADDITIONAL TERMS AND CONDITIONS.—The
13 Secretaries may require such additional terms and condi-
14 tions in connection with the conveyance under subsection
15 (a) as the Secretaries considers appropriate to protect the
16 interests of the United States.



**77. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
BISHOP OF UTAH OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. BISHOP OF UTAH**

Page 121, after line 10, insert the following:

1 **SEC. 328. MODIFICATION OF REQUIREMENTS RELATING TO**
2 **MINIMUM CAPITAL INVESTMENT FOR CER-**
3 **TAIN DEPOTS.**

4 Section 2476 of title 10, United States Code, is
5 amended—

6 (1) in subsection (a), by inserting “mainte-
7 nance, repair, and overhaul” after “combined”;

8 (2) in subsection (b), by inserting “facilities,”
9 before “infrastructure”;

10 (3) in subsection (d), by adding at the end the
11 following new subparagraph:

12 “(E) A table showing the funded workload per-
13 formed by each covered depot for the preceding
14 three fiscal years and actual investment funds allo-
15 cated to each depot for the period covered by the re-
16 port.”; and

17 (4) in subsection (e)(1), by adding at the end
18 the following new subparagraph:

19 “(I) Tooele Army Depot, Utah.”



78. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
BISHOP OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. BISHOP OF NEW YORK**

Page 531, after line 2, insert the following:

1 **SEC. 1099C. SENSE OF CONGRESS REGARDING THE RECOV-**
2 **ERY OF THE REMAINS OF CERTAIN MEMBERS**
3 **OF THE ARMED FORCES KILLED IN THUR-**
4 **STON ISLAND, ANTARCTICA.**

5 Congress makes the following findings:

6 (1) Commencing August 26, 1946, though late
7 February 1947 the United States Navy Antarctic
8 Developments Program Task Force 68, codenamed
9 "Operation Highjump" initiated and undertook the
10 largest ever-to-this-date exploration of the Antarctic
11 continent.

12 (2) The primary mission of the Task Force 68
13 organized by Rear Admiral Richard E. Byrd Jr.
14 USN, (Ret) and led by Rear Admiral Richard H.
15 Cruzen, USN, was to do the following:

16 (A) Establish the Antarctic research base
17 Little America IV.

18 (B) In the defense of the United States of
19 America from possible hostile aggression from
20 abroad - to train personnel test equipment, de-

1 velop techniques for establishing, maintaining
2 and utilizing air bases on ice, with applicability
3 comparable to interior Greenland, where condi-
4 tions are similar to those of the Antarctic.

5 (C) Map and photograph a full two-thirds
6 of the Antarctic Continent during the classified,
7 hazardous duty/volunteer-only operation involv-
8 ing 4700 sailors, 23 aircraft and 13 ships in-
9 cluding the first submarine the U.S.S. Sennet,
10 and the aircraft carrier the U.S.S. Philippine
11 Sea, brought to the edge of the ice pack to
12 launch (6) Navy ski-equipped, rocket-assisted
13 R4Ds.

14 (D) Consolidate and extend United States
15 sovereignty over the largest practicable area of
16 the Antarctic continent.

17 (E) Determine the feasibility of estab-
18 lishing, maintaining and utilizing bases in the
19 Antarctic and investigating possible base sites.

20 (3) While on a hazardous duty/all volunteer
21 mission vital to the interests of National Security
22 and while over the eastern Antarctica coastline
23 known as the Phantom Coast, the PBM-5 Martin
24 Mariner "Flying Boat" "George 1" entered a
25 whiteout over Thurston Island. As the pilot at-

1 tempted to climb, the aircraft grazed the glacier's
2 ridgeline and exploded within 5 seconds instantly
3 killing Ensign Maxwell Lopez, Navigator and Wen-
4 dell "Bud" Hendersin, Aviation Machinists Mate 1st
5 Class while Frederick Williams, Aviation Radioman
6 1st Class died several hours later. Six other crewmen
7 survived including the Captain of the "George 1's"
8 seaplane tender U.S.S. Pine Island.

9 (4) The bodies of the dead were protected from
10 the desecration of Antarctic scavenging birds
11 (Skuas) by the surviving crew wrapping the bodies
12 and temporarily burying the men under the star-
13 board wing engine nacelle.

14 (5) Rescue requirements of the "George-1" sur-
15 vivors forced the abandonment of their crewmates'
16 bodies.

17 (6) Conditions prior to the departure of Task
18 Force 68 precluded a return to the area to the re-
19 cover the bodies.

20 (7) For nearly 60 years Navy promised the
21 families that they would recover the men: "If the
22 safety, logistical, and operational prerequisites allow
23 a mission in the future, every effort will be made to
24 bring our sailors home."

1 (8) The Joint POW/MIA Accounting Command
2 twice offered to recover the bodies of this crew for
3 Navy.

4 (9) A 2004 NASA ground penetrating radar
5 overflight commissioned by Navy relocated the crash
6 site three miles from its crash position.

7 (10) The Joint POW/MIA Accounting Com-
8 mand offered to underwrite the cost of an aerial
9 ground penetrating radar (GPR) survey of the crash
10 site area by NASA.

11 (11) The Joint POW/MIA Accounting Com-
12 mand studied the recovery with the recognized recov-
13 ery authorities and national scientists and deter-
14 mined that the recovery is only "medium risk".

15 (12) National Science Foundation and sci-
16 entists from the University of Texas, Austin, regu-
17 larly visit the island.

18 (13) The crash site is classified as a "perishable
19 site", meaning a glacier that will calve into the
20 Bellingshausen Sea.

21 (14) The National Science Foundation main-
22 tains a presence in area - of the Pine Island Glacier.

23 (15) The National Science Foundation Director
24 of Polar Operations will assist and provide assets for
25 the recovery upon the request of Congress.

1 (16) The United States Coast Guard is pres-
2 ently pursuing the recovery of 3 WWII air crewmen
3 from similar circumstances in Greenland.

4 (17) On Memorial Day, May 25, 2009, Presi-
5 dent Barak Obama declared: “. . .the support of
6 our veterans is a sacred trust. . .we need to serve
7 them as they have served us. . .that means bringing
8 home all our POWs and MIAs. . .”.

9 (18) The policies and laws of the United States
10 of America require that our armed service personnel
11 be repatriated.

12 (19) The fullest possible accounting of United
13 States fallen military personnel means repatriating
14 living American POWs and MIAs, accounting for,
15 identifying, and recovering the remains of military
16 personnel who were killed in the line of duty, or pro-
17 viding convincing evidence as to why such a repatri-
18 ation, accounting, identification, or recovery is not
19 possible.

20 (20) It is the responsibility of the Federal Gov-
21 ernment to return to the United States for proper
22 burial and respect all members of the Armed Forces
23 killed in the line of duty who lie in lost graves.

24 (b) SENSE OF CONGRESS.—In light of the findings
25 under subsection (a), Congress—

1 (1) reaffirms its support for the recovery and
2 return to the United States, the remains and bodies
3 of all members of the Armed Forces killed in the
4 line of duty, and for the efforts by the Joint POW-
5 MIA Accounting Command to recover the remains of
6 members of the Armed Forces from all wars, con-
7 flicts and missions;

8 (2) recognizes the courage and sacrifice of all
9 members of the Armed Forces who participated in
10 Operation Highjump and all missions vital to the
11 national security of the United States of America;

12 (3) acknowledges the dedicated research and ef-
13 forts by the US Geological Survey, the National
14 Science Foundation, the Joint POW/MIA Account-
15 ing Command, the Fallen American Veterans Foun-
16 dation and all persons and organizations to identify,
17 locate, and advocate for, from their temporary Ant-
18 arctic grave, the recovery of the well-preserved fro-
19 zen bodies of Ensign Maxwell Lopez, Naval Aviator,
20 Frederick Williams, Aviation Machinist's Mate 1ST
21 Class, Wendell Hendersin, Aviation Radioman 1ST
22 Class of the "George 1" explosion and crash; and

23 (4) encourages the Department of Defense to
24 review the facts, research and to pursue new efforts
25 to undertake all feasible efforts to recover, identify,

- 1 and return the well-preserved frozen bodies of the
- 2 "George 1" crew from Antarctica's Thurston Island.



**79. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
BISHOP OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. BISHOP OF NEW YORK**

Page 345, after line 8, insert the following:

1 **SEC. 731. REPORT ON ESTABLISHMENT OF REGISTRY ON**
2 **OCCUPATIONAL AND ENVIRONMENTAL**
3 **CHEMICAL HAZARDS.**

4 (a) **REPORT REQUIRED.**—Not later than March 31,
5 2012, the Secretary of Defense shall submit to the con-
6 gressional defense committees a report on establishing an
7 active registry for each incidence of a member of the
8 Armed Forces being exposed to occupational and environ-
9 mental chemical hazards, including waste disposal, during
10 contingency operations in order to monitor possible health
11 risks and to provide necessary treatment to such members.

12 (b) **MATTERS INCLUDED.**—The report under sub-
13 section (a) shall include a discussion of each of the fol-
14 lowing:

15 (1) Processes in which members of the Armed
16 Forces may be included in the registry described in
17 subsection (a).

18 (2) Procedures to ensure that members eligible
19 to be included in the registry are provided appro-
20 priate medical examinations.

1 (3) Using existing medical surveillance systems

2 to establish the registry.



**80. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
BISHOP OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. BISHOP (NY)**

At the end of subtitle D of title X, add the following:

1 SEC. ____ SENSE OF CONGRESS REGARDING THE EFFORTS
2 BY THE DEPARTMENT OF DEFENSE TO KEEP
3 AMERICA SAFE FROM TERRORIST ATTACKS
4 SINCE 9/11.

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) Since September 11, 2001, at least 30
8 planned terrorist attacks have been foiled and Spe-
9 cial Operation forces completed the mission to kill
10 Osama bin Laden.

11 (2) The Department of Defense and the Armed
12 Services have worked diligently and honorably to
13 protect citizens at home and abroad.

14 (3) The Department of Defense and the Armed
15 Services are meeting the challenges of the global
16 struggle against terrorism.

17 (b) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that—

1 (1) we continue to affirm our commitment to
2 support the Department of Defense and the United
3 States Armed Forces;

4 (2) we recognize that the Department of De-
5 fense and the United States Armed Forces have
6 worked diligently and honorably to protect citizens
7 of the United States at home and abroad;

8 (3) we recognize that the Department of De-
9 fense and the United States Armed Forces are meet-
10 ing the challenges of the global struggle against ter-
11 rorism;

12 (4) we commend the men and women of the De-
13 partment of Defense and the United States Armed
14 Forces for the tremendous commitment to keeping
15 our country safe; and

16 (5) we honor the Department of Defense and
17 the United States Armed Forces for their success in
18 preventing terrorist attacks on U.S. soil and around
19 the world since 9/11.



**81. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
BLUMENAUER OF OREGON OR HIS DESIGNEE, DEBATABLE FOR
10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. BLUMENAUER OF OREGON**

Page 377, after line 7, insert the following:

1 **SEC. 845. REPORTS ON USE OF INDEMNIFICATION AGREE-**
2 **MENTS.**

3 (a) IN GENERAL.—Chapter 137 of title 10, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 2335. Reports on use of indemnification agree-**
7 **ments**

8 “(a) IN GENERAL.—Beginning October 1, 2011, not
9 later than 90 days after the date on which any action de-
10 scribed in subsection (b)(1) occurs, the Secretary of De-
11 fense shall submit to the congressional defense committees
12 and the Committees on the Budget of the House of Rep-
13 resentatives and the Senate a report on such action.

14 “(b) ACTION DESCRIBED.—(1) An action described
15 in this paragraph is the Secretary of Defense—

16 “(A) entering into a contract that includes an
17 indemnification agreement; or

18 “(B) modifying an existing indemnification
19 agreement in any contract.

1 “(2) Paragraph (1) shall not apply to any contract
2 awarded in accordance with—

3 “(A) section 2354 of this title; or

4 “(B) the Comprehensive Environmental Re-
5 sponse, Compensation, and Liability Act of 1980 (42
6 U.S.C. 9601 et seq.).

7 “(c) MATTERS INCLUDED.—For each contract cov-
8 ered in a report under subsection (a), the report shall in-
9 clude—

10 “(1) the name of the contractor;

11 “(2) the actual cost or estimated potential cost
12 involved;

13 “(3) a description of the items, property, or
14 services for which the contract is awarded; and

15 “(4) a justification of the contract including the
16 indemnification agreement.

17 “(d) NATIONAL SECURITY.—The Secretary may omit
18 any information in a report under subsection (a) if the
19 Secretary—

20 “(1) determines that the disclosure of such in-
21 formation is not in the national security interests of
22 the United States; and

23 “(2) includes in the report a justification of the
24 determination made under paragraph (1).”.

- 1 (b) CLERICAL AMENDMENT.—The table of sections
- 2 at the beginning of such chapter is amended by adding
- 3 at the end the following new item:

“2335. Reports on use of indemnification agreements.”.



**82. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
BLUMENAUER OF OREGON OR HIS DESIGNEE, DEBATABLE FOR
10 MINUTES**

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**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. BLUMENAUER OF OREGON**

Page 132, after line 10, insert the following new section:

1 **SEC. 346. ADDITIONAL MATTERS FOR INCLUSION IN AN-**
2 **NUAL REPORT ON OPERATIONAL ENERGY.**

3 Section 2529(b)(2) of title 10, United States Code,
4 is amended—

5 (1) by redesignating subparagraph (E) as sub-
6 paragraph (F); and

7 (2) by adding at the end the following new sub-
8 paragraph:

9 “(E) An evaluation of practices used in contin-
10 ugency operations during the previous fiscal year and
11 potential improvements to such practices to reduce
12 vulnerabilities associated with fuel convoys, including
13 improvements in tent and structure efficiency, im-
14 provements in generator efficiency, and displacement
15 of liquid fuels with on-site renewable energy genera-
16 tion. Such evaluation should identify challenges asso-
17 ciated with the deployment of more efficient struc-
18 tures and equipment and renewable energy genera-

1 tion, and recommendations for overcoming such
2 challenges.”.



83. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BOREN
OF OKLAHOMA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. BOREN OF OKLAHOMA**

Page 270, after line 4, insert the following:

1 **SEC. 598. PROHIBITION ON THE UNAUTHORIZED USE OF**
2 **NAMES AND IMAGES OF MEMBERS OF THE**
3 **ARMED FORCES.**

4 (a) PROHIBITION.—Chapter 49 of title 10, United
5 States Code, is amended by adding at the end the fol-
6 lowing new section:

7 **“§ 988. Unauthorized use of names and images of**
8 **members of the armed forces**

9 “(a) PROHIBITION.—Except with the permission of
10 the individual or individuals designated under subsection
11 (d), no person may knowingly use the name or image of
12 a protected individual in connection with any merchandise,
13 retail product, impersonation, solicitation, or commercial
14 activity in a manner reasonably calculated to connect the
15 protected individual with that individual’s service in the
16 armed forces.

17 “(b) AUTHORITY TO ENJOIN VIOLATIONS.—When-
18 ever it appears to the Attorney General that any person
19 is engaged or is about to engage in an act or practice
20 which constitutes or will constitute conduct prohibited by

1 subsection (a), the Attorney General may initiate a civil
2 proceeding in a district court of the United States to en-
3 join such act or practice. Such court shall proceed as soon
4 as practicable to the hearing and determination of such
5 action and may, at any time before final determination,
6 enter such restraining orders or prohibitions, or take such
7 other actions as is warranted, to prevent injury to the
8 United States or to any person or class of persons for
9 whose protection the action is brought.

10 “(c) PROTECTED INDIVIDUAL.—For purposes of this
11 section, a protected individual is any person who—

12 “(1) is a member of the armed forces; or

13 “(2) was a member of the armed forces at any
14 time after April 5, 1917, and, if not living, has a
15 surviving spouse, child, parent, grandparent, or sib-
16 ling.

17 “(d) DESIGNATED INDIVIDUAL OR INDIVIDUALS.—

18 (1) The individual or individuals designated under this
19 subsection, with respect to a protected individual—

20 “(A) is the protected individual, if living; and

21 “(B) otherwise is the living survivor or sur-
22 vivors of the protected individual highest on the fol-
23 lowing list:

24 “(i) The surviving spouse.

25 “(ii) The children.

1 “(iii) The parents.

2 “(iv) The grandparents.

3 “(v) The siblings.

4 “(2) In the case of a protected individual for whom
5 more than one individual is designated under clause (ii),
6 (iii), (iv), or (v) of paragraph (1)(B), the prohibition under
7 subsection (a) shall apply unless permission is obtained
8 from each designated individual.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of such chapter is amended by adding
11 at the end the following new item:

“988. Unauthorized use of names and images of members of the armed forces.”.



**84. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
BOSWELL OF IOWA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES**

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AMENDMENT TO H.R. 1540, AS REPORTED

OFFERED BY M. Boswell

Page 113, after line 17, insert the following:

1 (g) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that favorable consideration of energy-efficient or
3 energy reduction technologies or processes under this sec-
4 tion should include a focus on alternative, self-sufficient
5 energy sources that reduce costs in the long term.



**85. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
BOUSTANY JR. OF LOUISIANA OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. BOUSTANY OF LOUISIANA**

Page 507, after line 2, insert the following:

1 **SEC. 1078. IMPLEMENTATION PLAN FOR WHOLE-OF-GOV-**
2 **ERNMENT VISION PRESCRIBED IN THE NA-**
3 **TIONAL SECURITY STRATEGY.**

4 (a) **IMPLEMENTATION PLAN.**—Not later than 270
5 days after the date of the enactment of this Act, the Presi-
6 dent shall submit to the appropriate congressional com-
7 mittees an implementation plan for achieving the whole-
8 of-government integration vision prescribed in the Presi-
9 dent's National Security Strategy of May 2010. The im-
10 plementation plan shall include—

11 (1) a description of ongoing and future actions
12 planned to be taken by the President and the Execu-
13 tive agencies to implement organizational changes,
14 programs, and any other efforts to achieve each
15 component of the whole-of-government vision pre-
16 scribed in the National Security Strategy;

17 (2) a timeline for specific actions taken and
18 planned to be taken by the President and the Execu-
19 tive agencies to implement each component of the

1 whole-of-government vision prescribed in the Na-
2 tional Security Strategy;

3 (3) an outline of specific actions desired or re-
4 quired by Congress to achieve each component of the
5 whole-of-government vision prescribed in the Na-
6 tional Security Strategy, including suggested timing
7 and sequencing of actions proposed for Congress and
8 the Executive agencies;

9 (4) any progress made and challenges or obsta-
10 cles encountered in implementing each component of
11 the whole-of-government vision prescribed in the Na-
12 tional Security Strategy; and

13 (5) such other information as the President de-
14 termines is necessary to understand progress in im-
15 plementing each component of the whole-of-govern-
16 ment vision prescribed in the National Security
17 Strategy.

18 (b) ANNUAL UPDATES.—Not later than December 1
19 of each subsequent year, the President shall submit to the
20 appropriate congressional committees an update of the im-
21 plementation plan required under subsection (a). Each
22 such update shall include an explanation of—

23 (1) progress made in achieving each organiza-
24 tional goal; and

1 (2) modifications necessary to the implementa-
2 tion plan.

3 (c) DEFINITIONS.—In this section:

4 (1) The term “appropriate congressional com-
5 mittees” means—

6 (A) the congressional defense committees;

7 (B) the Committee on Foreign Relations,
8 Select Committee on Intelligence, Committee on
9 Homeland Security and Government Affairs,
10 Committee on the Budget, Committee on the
11 Judiciary, and Committee on Appropriations in
12 the Senate; and

13 (C) the Committee on Foreign Affairs,
14 Permanent Select Committee on Intelligence,
15 Committee on Homeland Security, Committee
16 on the Budget, Committee on the Judiciary,
17 Committee on Oversight and Government Re-
18 form, and Committee on Appropriations in the
19 House of Representatives.

20 (2) The term “Executive agency” has the
21 meaning given that term by section 105 of title 5,
22 United States Code.



**86. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
CARNAHAN OF MISSOURI OR HIS DESIGNEE, DEBATABLE FOR
10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. CARNAHAN OF MISSOURI**

Page 612, after line 11, insert the following:

1 (c) **LIMITATION.**—Notwithstanding any other provi-
2 sion of this section, 25 percent of the funds made available
3 to the Department of Defense for the Afghanistan Secu-
4 rity Forces Fund for fiscal year 2012 may not be used
5 to carry out contracts unless the Secretary of Defense cer-
6 tifies to Congress that the Department of Defense has suf-
7 ficient management and oversight mechanisms on such
8 contracts.



87. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
COFFMAN OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR
10 MINUTES

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**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. COFFMAN OF COLORADO**

At the end of subtitle G of title X, add the following
new section:

1 **SEC. 1078. REPORT ON A DEPARTMENT OF DEFENSE RECY-**
2 **CLING PROGRAM FOR RARE EARTH MATE-**
3 **RIALS.**

4 (a) REQUIREMENT FOR REPORT.—Not later than
5 180 days after the date of the enactment of this Act, the
6 Secretary of Defense shall prepare and submit to the con-
7 gressional defense committees a report on the feasibility
8 and desirability of recycling, recovering, and reprocessing
9 rare earth elements, including fluorescent lighting in De-
10 partment of Defense facilities and neodymium iron boron
11 magnets used in weapon systems and commercial off-the-
12 shelf items such as computer hard drives.

13 (b) REPORT.—The report required in subsection (a)
14 shall contain, at minimum, the following information:

15 (1) AMOUNT AND FORM OF CERTAIN MATE-
16 RIALS.—The amount and form of fluorescent light-
17 ing materials containing rare earth phosphors, such
18 as terbium, europium, and yttrium, and the amount
19 of neodymium iron boron magnets containing neo-

1 dymium and dysprosium, currently being disposed of
2 by or on behalf of the Department of Defense.

3 (2) ESTIMATE OF AMOUNTS.—An estimate of
4 the amount of rare earth phosphors contained in
5 such lighting materials and rare earth metal, alloy,
6 and magnet material that is potentially available for
7 recycling but is not currently recovered, using data
8 from the most recent year for which a reasonable es-
9 timate can be made.

10 (3) FEASIBILITY OF RECOVERY.—The feasi-
11 bility and desirability of recovering such rare earth
12 phosphors and magnet materials and making this
13 material available for reprocessing back into sepa-
14 rated rare earth elements or reused as rare earth
15 magnet materials by private-sector entities.

16 (c) DEFINITION.—For purposes of this section, the
17 term “rare earth” means any of the following chemical
18 elements in any of their physical forms or chemical com-
19 binations:

- 20 (1) Scandium.
- 21 (2) Yttrium.
- 22 (3) Lanthanum.
- 23 (4) Cerium.
- 24 (5) Praseodymium.
- 25 (6) Neodymium.

- 1 (7) Promethium.
- 2 (8) Samarium.
- 3 (9) Europium.
- 4 (10) Gadolinium.
- 5 (11) Terbium.
- 6 (12) Dysprosium.
- 7 (13) Holmium.
- 8 (14) Erbium.
- 9 (15) Thulium.
- 10 (16) Ytterbium.
- 11 (17) Lutetium.



88. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
COFFMAN OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR
10 MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. COFFMAN OF COLORADO**

Page 203, after line 12, insert the following:

**1 SEC. 547. REPORT ON TUITION ASSISTANCE PROGRAM FOR
2 OFF-DUTY TRAINING OR EDUCATION.**

3 Not later than 270 days after the date of the enact-
4 ment of this Act, the Secretary of Defense shall submit
5 to the Committees on Armed Services of the Senate and
6 House of Representatives a report on methods to increase
7 the efficiency of the tuition assistance program under sec-
8 tion 2007 of title 10, United States Code. Such report
9 shall include—

10 (1) a description of the effect of the program
11 on recruiting and retention within the Armed
12 Forces;

13 (2) an analysis of other programs that provide
14 benefits similar to those provided through the pro-
15 gram, including the use of educational assistance
16 programs under chapters 30 and 33 of title 38,
17 United States Code, for education and training pur-
18 sued by members of the Armed Forces serving on
19 active duty while they are off-duty; and

1 (3) a description of the effects of modifying the
2 program to require members of the Armed Forces
3 participating in the program to pay for 25 percent
4 of their education expenses and the Secretary con-
5 cerned to pay the remaining 75 percent of such ex-
6 penses.



**89. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
CONNOLLY OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES**

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**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. CONNOLLY OF VIRGINIA**

In the table in section 2101(a), relating to Authorized Army Construction and Land Acquisition Projects, strike the amount in the item relating to Fort Belvoir, Virginia, and insert "\$327,000,000".



**90. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
CONNOLLY OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES**

AMENDMENT TO H.R. 1540, AS REPORTED

OFFERED BY MR. CONNOLLY OF VIRGINIA & MR. KISSELL OF NORTH CAROLINA

At the end of subtitle F of title XXVIII add the following new section:

1 SEC. 2864. REPORT ON THE HOMEOWNERS ASSISTANCE
2 PROGRAM.

3 Not later than 180 days after the date of enactment
4 of this Act, the Secretary of Defense shall submit to Con-
5 gress a report on the Homeowners Assistance Program
6 under the Demonstration Cities and Metropolitan Devel-
7 opment Act of 1966 (42 U.S.C. 3374). The report shall
8 include the following:

9 (1) The estimated cost if eligibility were ex-
10 panded to include permanent change of station ap-
11 plicants who purchased a home after July 1, 2006,
12 and before July 1, 2008.

13 (2) The estimated cost if eligibility were ex-
14 panded to include members of the Armed Forces
15 under paragraph (1) and permanent change of sta-
16 tion applicants who received permanent change of
17 station orders after September 30, 2010, and before
18 September 30, 2011.

1 (3) The estimated number of members of the
2 Armed Forces who received permanent change of
3 station orders after September 30, 2010, and before
4 September 30, 2011, and who suffered a decline of
5 at least a 10 percent in home value from the date
6 of purchase to the date of sale.



**91. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
CONNOLLY OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. CONNOLLY OF VIRGINIA**

At the end of title VIII, add the following new section:

1 **SEC. 8. ACQUISITION WORKFORCE IMPROVEMENTS.**

2 (a) **WORKFORCE IMPROVEMENTS.**—Section 1704(b)
3 of title 41, United States Code, is amended—

4 (1) by inserting after the first sentence the following: “The Associate Administrator shall be chosen on the basis of demonstrated knowledge and expertise in acquisition, human capital, and management.”;

5 (2) by striking “The Associate Administrator
6 for Acquisition Workforce Programs shall be located
7 in the Federal Acquisition Institute (or its successor).” and inserting “The Associate Administrator shall be located in the Office of Federal Procurement Policy.”;

8 (3) in paragraph (4), by striking “; and” and
9 inserting a semicolon;

10 (4) by redesignating paragraph (5) as paragraph (6); and

1 (5) by inserting after paragraph (4) the fol-
2 lowing new paragraph:

3 “(5) implementing workforce programs under
4 subsections (f) through (k) of section 1703 of this
5 title; and”.

6 (b) FEDERAL ACQUISITION INSTITUTE.—

7 (1) IN GENERAL.—Division B of title 41,
8 United States Code, is amended by inserting after
9 chapter 11 the following new chapter:

10 **“CHAPTER 12—FEDERAL ACQUISITION**
11 **INSTITUTE**

“Sec.

“1201. Federal Acquisition Institute.

12 **“§ 1201. Federal Acquisition Institute**

13 “(a) IN GENERAL.—There is established a Federal
14 Acquisition Institute (FAI) in order to—

15 “(1) foster and promote the development of a
16 professional acquisition workforce Government-wide;

17 “(2) promote and coordinate Government-wide
18 research and studies to improve the procurement
19 process and the laws, policies, methods, regulations,
20 procedures, and forms relating to acquisition by the
21 executive agencies;

22 “(3) collect data and analyze acquisition work-
23 force data from the Office of Personnel Manage-

1 ment, the heads of executive agencies, and, through
2 periodic surveys, from individual employees;

3 “(4) periodically analyze acquisition career
4 fields to identify critical competencies, duties, tasks,
5 and related academic prerequisites, skills, and
6 knowledge;

7 “(5) coordinate and assist agencies in identi-
8 fying and recruiting highly qualified candidates for
9 acquisition fields;

10 “(6) develop instructional materials for acquisi-
11 tion personnel in coordination with private and pub-
12 lic acquisition colleges and training facilities;

13 “(7) evaluate the effectiveness of training and
14 career development programs for acquisition per-
15 sonnel;

16 “(8) promote the establishment and utilization
17 of academic programs by colleges and universities in
18 acquisition fields;

19 “(9) facilitate, to the extent requested by agen-
20 cies, interagency intern and training programs; and

21 “(10) perform other career management or re-
22 search functions as directed by the Administrator.

23 “(b) BUDGET RESOURCES AND AUTHORITY.—

24 “(1) IN GENERAL.—The Director of the Office
25 of Management and Budget and the Administrator

1 of General Services shall provide the Federal Acqui-
2 sition Institute with the necessary budget resources
3 and authority to support government-wide training
4 standards and certification requirements necessary
5 to enhance the mobility and career opportunities of
6 the Federal acquisition workforce.

7 “(2) ACQUISITION WORKFORCE TRAINING
8 FUND.—Subject to the availability of funds, the Ad-
9 minister of General Services shall provide the Fed-
10 eral Acquisition Institute with amounts from the ac-
11 quisition workforce training fund established under
12 section 1703(i) of this title sufficient to meet the an-
13 nual budget for the Federal Acquisition Institute re-
14 quested by the Administrator for Federal Procure-
15 ment Policy.

16 “(c) FEDERAL ACQUISITION INSTITUTE BOARD OF
17 DIRECTORS.—

18 “(1) REPORTING TO ADMINISTRATOR.—The
19 Federal Acquisition Institute shall report through its
20 Board of Directors directly to the Administrator for
21 Federal Procurement Policy.

22 “(2) COMPOSITION.—The Board shall be com-
23 posed of not more than 8 individuals from the Fed-
24 eral Government representing a mix of acquisition

1 functional areas, all of whom shall be appointed by
2 the Administrator.

3 “(3) DUTIES.—The Board shall provide general
4 direction to the Federal Acquisition Institute to en-
5 sure that the Institute—

6 “(A) meets its statutory requirements;

7 “(B) meets the needs of the Federal acqui-
8 sition workforce;

9 “(C) implements appropriate programs;

10 “(D) coordinates with appropriate organi-
11 zations and groups that have an impact on the
12 Federal acquisition workforce;

13 “(E) develops and implements plans to
14 meet future challenges of the Federal acquisi-
15 tion workforce; and

16 “(F) works closely with the Defense Acqui-
17 sition University.

18 “(4) RECOMMENDATIONS.—The Board shall
19 make recommendations to the Administrator regard-
20 ing the development and execution of the annual
21 budget of the Federal Acquisition Institute.

22 “(d) DIRECTOR.—The Director of the Federal Acqui-
23 sition Institute shall be appointed by, and report directly
24 to, the Administrator.

1 “(e) ANNUAL REPORT.—The Administrator shall
2 submit to the Committee on Homeland Security and Gov-
3 ernmental Affairs and the Committee on Appropriations
4 of the Senate and the Committee on Oversight and Gov-
5 ernment Reform and the Committee on Appropriations of
6 the House of Representatives an annual report on the pro-
7 jected budget needs and expense plans of the Federal Ac-
8 quisition Institute to fulfill its mandate.”.

9 (2) CONFORMING AMENDMENT.—Section
10 1122(a)(5) of such title is amended to read as fol-
11 lows:

12 “(5) providing for and directing the activities of
13 the Federal Acquisition Institute established under
14 section 1201 of this title, including recommending to
15 the Administrator of General Services a sufficient
16 budget for such activities.”.

17 (c) GOVERNMENT-WIDE TRAINING STANDARDS AND
18 CERTIFICATION.—Section 1703 of title 41, United States
19 Code, is amended—

20 (1) in subsection (c)(2)—

21 (A) by striking “The Administrator shall”
22 and inserting the following:

23 “(A) IN GENERAL.—The Administrator
24 shall”; and

25 (B) by adding at the end the following:

1 “(B) GOVERNMENT-WIDE TRAINING
2 STANDARDS AND CERTIFICATION.—The Admin-
3 istrator, acting through the Federal Acquisition
4 Institute, shall provide and update government-
5 wide training standards and certification re-
6 quirements, including—

7 “(i) developing and modifying acquisi-
8 tion certification programs;

9 “(ii) ensuring quality assurance for
10 agency implementation of government-wide
11 training and certification standards;

12 “(iii) analyzing the acquisition train-
13 ing curriculum to ascertain if all certifi-
14 cation competencies are covered or if ad-
15 justments are necessary;

16 “(iv) developing career path informa-
17 tion for certified professionals to encourage
18 retention in government positions;

19 “(v) coordinating with the Office of
20 Personnel Management for human capital
21 efforts; and

22 “(vi) managing rotation assignments
23 to support opportunities to apply skills in-
24 cluded in certification.”; and

1 (2) by adding at the end the following new sub-
2 section:

3 “(1) ACQUISITION INTERNSHIP AND TRAINING PRO-
4 GRAMS.—All Federal civilian agency acquisition internship
5 or acquisition training programs shall follow guidelines
6 provided by the Office of Federal Procurement Policy to
7 ensure consistent training standards necessary to develop
8 uniform core competencies throughout the Federal Gov-
9 ernment.”.

10 (d) EXPANDED SCOPE OF ACQUISITION WORKFORCE
11 TRAINING FUND.—Section 1703(i) of such title is amend-
12 ed—

13 (1) in paragraph (2), by striking “to support
14 the training of the acquisition workforce of the exec-
15 utive agencies” and inserting “to support the activi-
16 ties set forth in section 1201(a) of this title”; and

17 (2) in paragraph (6), by striking “ensure that
18 amounts collected for training under this subsection
19 are not used for a purpose other than the purpose
20 specified in paragraph (2)” and inserting “ensure
21 that amounts collected under this section are not
22 used for a purpose other than the activities set forth
23 in section 1201(a) of this title”.

24 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion, or the amendments made by this section, shall be

1 construed to preclude the Secretary of Defense from es-
2 tablishing acquisition workforce policies, procedures,
3 training standards, and certification requirements for ac-
4 quisition positions in the Department of Defense, as pro-
5 vided in chapter 87 of title 10, United States Code.



92. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
CONNOLLY OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

AMENDMENT TO H.R. 1540
OFFERED BY MR. CONNOLLY OF VIRGINIA

With Mr. Ribey

At the end of title XI, add the following new section:

1 **SEC. 11. FEDERAL INTERNSHIP PROGRAMS.**

2 (a) IN GENERAL.—Subchapter I of chapter 31 of title
3 5, United States Code, is amended by inserting after sec-
4 tion 3111 the following:

5 **“§ 3111a. Federal internship programs**

6 “(a) INTERNSHIP COORDINATOR.—The head of each
7 agency operating an internship program shall appoint an
8 individual within such agency to serve as an internship
9 coordinator.

10 “(b) ONLINE INFORMATION.—

11 “(1) AGENCIES.—The Office of Personnel Man-
12 agement shall make publicly available on the Inter-
13 net—

14 “(A) the name and contact information of
15 the internship coordinator for each agency; and

16 “(B) information regarding application
17 procedures and deadlines for each internship
18 program.

19 “(2) OFFICE OF PERSONNEL MANAGEMENT.—

20 The Office of Personnel Management shall make

1 publicly available on the Internet links to the
2 websites where the information described in para-
3 graph (1) is displayed.

4 “(c) CENTRALIZED DATABASE.—The Office shall es-
5 tablish and maintain a centralized electronic database that
6 contains the names, contact information, and relevant
7 skills of individuals who have completed or are nearing
8 completion of an internship program and are currently
9 seeking full-time Federal employment.

10 “(d) EXIT INTERVIEW REQUIREMENT.—The agency
11 operating an internship program shall conduct an exit
12 interview, and administer a survey (which shall be in con-
13 formance with such guidelines or requirements as the Of-
14 fice shall establish to ensure uniformity across agencies),
15 with each intern who completes such program.

16 “(e) REPORT.—

17 “(1) IN GENERAL.—The head of each agency
18 operating an internship program shall annually sub-
19 mit to the Office a report assessing such internship
20 program.

21 “(2) CONTENTS.—Each report required under
22 paragraph (1) for an agency shall include, for the 1-
23 year period ending on September 1 of the year in
24 which the report is submitted—

1 “(A) the number of interns who partici-
2 pated in an internship program at such agency;

3 “(B) information regarding the demo-
4 graphic characteristics of interns at such agen-
5 cy, including educational background;

6 “(C) a description of the steps taken by
7 such agency to increase the percentage of in-
8 terns who are offered permanent Federal jobs
9 and the percentage of interns who accept the
10 offers of such jobs, and any barriers encoun-
11 tered;

12 “(D) a description of activities engaged in
13 by such agency to recruit new interns, including
14 locations and methods;

15 “(E) a description of the diversity of work
16 roles offered within internship programs at such
17 agency;

18 “(F) a description of the mentorship por-
19 tion of such internship programs; and

20 “(G) a summary of exit interviews con-
21 ducted and surveys administered by such agen-
22 cy with respect to interns upon their completion
23 of an internship program at such agency.

24 “(3) SUBMISSION.—Each report required under
25 paragraph (1) shall be submitted to the Office be-

1 tween September 1 and September 30 of each year.
2 Not later than December 30 of each year, the Office
3 shall submit to Congress a report summarizing the
4 information submitted to the Office in accordance
5 with paragraph (1) for such year.

6 “(f) DEFINITIONS.—For purposes of this section—

7 “(1) the term ‘internship program’ means—

8 “(A) a volunteer service program under
9 section 3111(b);

10 “(B) the Student Educational Employment
11 Program (hereinafter ‘SCEP’), as established
12 under section 213.3202 of title 5 of the Code
13 of Federal Regulations (as in effect on January
14 1, 2009); and

15 “(C) a program operated by a nongovern-
16 ment organization for the purpose of providing
17 paid internships in agencies pursuant to a writ-
18 ten agreement comparable to an SCEP agree-
19 ment under section 213.3202(b)(12) of title 5
20 of the Code of Federal Regulations (as in effect
21 on January 1, 2009);

22 “(2) the term ‘intern’ means an individual par-
23 ticipating in an internship program; and

24 “(3) the term ‘agency’ means an Executive
25 agency.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 for chapter 31 of title 5, United States Code, is amended
3 by inserting after the item relating to section 3111 the
4 following:

“3111a. Federal internship programs.”.



93. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
CONNOLLY OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. CONNOLLY OF VIRGINIA**

*With Ms Capps
Mr Blumenthal
Mr Hinchey*

Page 46, after line 8, insert the following:

1 **SEC. 147. PROCUREMENT OF TENTS OR OTHER TEM-**
2 **PORARY STRUCTURES.**

3 (a) IN GENERAL.—In procuring tents or other tem-
4 porary structures for use by the Armed Forces, and in
5 establishing or maintaining an alternative source for such
6 tents and structures, the Secretary of Defense shall award
7 contracts that provide the best value to the United States.
8 In determining the best value to the United States under
9 this section, the Secretary shall consider the total life-cycle
10 costs of such tents or structures, including the costs asso-
11 ciated with any equipment or fuel needed to heat or cool
12 such tents or structures.

13 (b) INTERAGENCY PROCUREMENT.—The require-
14 ments of this section shall apply to any agency or depart-
15 ment of the United States that procures tents or other
16 temporary structures on behalf of the Department of De-
17 fense.



94. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
CARSON OF INDIANA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. CARSON OF INDIANA**

At the end of subtitle H of title V, add the following
new section:

1 SEC. 5 ____ . MATTERS COVERED BY PRESEPARATION COUN-
2 SELING FOR MEMBERS OF THE ARMED
3 FORCES AND THEIR SPOUSES.

4 Section 1142(b) of title 10, United States Code, is
5 amended—

6 (1) in paragraph (5), by striking “job place-
7 ment counseling for the spouse” and inserting “in-
8 clusion of the spouse, at the discretion of the mem-
9 ber and the spouse, when counseling regarding the
10 matters covered by paragraphs (9), (10), and (16)
11 is provided, job placement counseling for the spouse,
12 and the provision of information on survivor benefits
13 available under the laws administered by the Sec-
14 retary of Defense or the Secretary of Veterans Af-
15 fairs”;

16 (2) in paragraph (9), by inserting before the pe-
17 riod the following: “, including information on budg-
18 eting, saving, credit, loans, and taxes”;

1 (3) in paragraph (10); by striking “and employ-
2 ment” and inserting “; employment, and financial”;

3 (4) by striking paragraph (16) and inserting
4 the following new paragraph:

5 “(16) Information on home loan services and
6 housing assistance benefits available under the laws
7 administered by the Secretary of Veterans Affairs
8 and counseling on responsible borrowing practices.”;
9 and

10 (5) in paragraph (17), by inserting before the
11 period the following: “, and information regarding
12 the means by which the member can receive addi-
13 tional counseling regarding the member’s actual en-
14 titlement to such benefits and apply for such bene-
15 fits”.



**95. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
COURTNEY OF CONNECTICUT OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. COURTNEY OF CONNECTICUT**

1 At the end of subtitle E of title V, add the following
2 new section:

3 **SEC. 547. TROOPS-TO-TEACHERS PROGRAM.**

4 (a) TRANSFER OF FUNCTIONS.—The responsibility
5 and authority for operation and administration of the
6 Troops-to-Teachers Program is transferred from the Sec-
7 retary of Education to the Secretary of Defense.

8 (b) ENACTMENT AND MODIFICATION OF PROGRAM
9 AUTHORITY IN TITLE 10, UNITED STATES CODE.—

10 (1) IN GENERAL.—Chapter 58 of title 10,
11 United States Code, is amended by adding at the
12 end the following new section:

13 **“§ 1154. Assistance to eligible members to obtain em-
14 ployment as teachers: Troops-to-Teachers
15 Program**

16 “(a) DEFINITIONS.—In this section:

17 “(1) PROGRAM.—The term ‘Program’ means
18 the Troops-to-Teachers Program authorized by this
19 section.

20 “(2) CHARTER SCHOOL.—The term ‘charter
21 school’ has the meaning given that term in section

1 5210 of the Elementary and Secondary Education
2 Act of 1965 (20 U.S.C. 7221i).

3 “(3) ADDITIONAL TERMS.—The terms ‘elemen-
4 tary school’, ‘highly qualified teacher’, ‘local edu-
5 cational agency’, ‘secondary school’, and ‘State’ have
6 the meanings given those terms in section 9101 of
7 the Elementary and Secondary Education Act of
8 1965 (20 U.S.C. 7801).

9 “(b) PROGRAM AUTHORIZATION.—The Secretary of
10 Defense may carry out a program (to be known as the
11 ‘Troops-to-Teachers Program’)—

12 “(1) to assist eligible members of the armed
13 forces described in subsection (c) to obtain certifi-
14 cation or licensing as elementary school teachers,
15 secondary school teachers, or vocational or technical
16 teachers, and to become highly qualified teachers;
17 and

18 “(2) to facilitate the employment of such mem-
19 bers—

20 “(A) by local educational agencies or pub-
21 lic charter schools that the Secretary of Edu-
22 cation identifies as—

23 “(i) receiving grants under part A of
24 title I of the Elementary and Secondary
25 Education Act of 1965 (20 U.S.C. 6311 et

1 seq.) as a result of having within their ju-
2 risdictions concentrations of children from
3 low-income families;

4 “(ii) experiencing a shortage of highly
5 qualified teachers, in particular a shortage
6 of science, mathematics, special education,
7 or vocational or technical teachers; or

8 “(iii) a Bureau-funded school (as such
9 term is defined in section 1141 of the Edu-
10 cation Amendments of 1978 (25 U.S.C.
11 2021)); and

12 “(B) in elementary schools or secondary
13 schools, or as vocational or technical teachers.

14 “(c) ELIGIBILITY AND APPLICATION PROCESS.—

15 “(1) ELIGIBLE MEMBERS.—The following mem-
16 bers of the armed forces are eligible for selection to
17 participate in the Program:

18 “(A) Any member who—

19 “(i) on or after the date of the enact-
20 ment of the National Defense Authoriza-
21 tion Act for Fiscal Year 2011, becomes en-
22 titled to retired or retainer pay under this
23 title or title 14;

24 “(ii) has an approved date of retire-
25 ment that is within one year after the date

1 on which the member submits an applica-
2 tion to participate in the Program; or

3 “(iii) transfers to the Retired Reserve.

4 “(B) Any member who, on or after the
5 date of the enactment of the National Defense
6 Authorization Act for Fiscal Year 2011—

7 “(i)(I) is separated or released from
8 active duty after 4 or more years of contin-
9 uous active duty immediately before the
10 separation or release; or

11 “(II) has completed a total of at least
12 ten years of active duty service, 10 years
13 of service computed under section 12732 of
14 this title, or 10 years of any combination
15 of such service; and

16 “(ii) executes a reserve commitment
17 agreement for a period of not less than 3
18 years under paragraph (5)(B).

19 “(C) Any member who, on or after the
20 date of the enactment of the National Defense
21 Authorization Act for Fiscal Year 2011, is re-
22 tired or separated for physical disability under
23 chapter 61 of this title.

24 “(2) SUBMITTAL OF APPLICATIONS.—(A) Selec-
25 tion of eligible members of the armed forces to par-

1 ticipate in the Program shall be made on the basis
2 of applications submitted to the Secretary. An appli-
3 cation shall be in such form and contain such infor-
4 mation as the Secretary may require.

5 “(B) An application may be considered to be
6 submitted on a timely basis under subparagraph
7 (A)(i), (B), or (C) of paragraph (1) if the applica-
8 tion is submitted not later than 2 years after the
9 date on which the member is retired or separated or
10 released from active duty, whichever applies to the
11 member.

12 “(3) SELECTION CRITERIA; EDUCATIONAL
13 BACKGROUND REQUIREMENTS AND HONORABLE
14 SERVICE REQUIREMENT.—(A) Subject to subpara-
15 graphs (B) and (C), the Secretary shall prescribe
16 the criteria to be used to select eligible members of
17 the armed forces to participate in the Program.

18 “(B)(i) If a member of the armed forces is ap-
19 plying for assistance for placement as an elementary
20 school or secondary school teacher, the Secretary
21 shall require the member to have received a bacca-
22 laureate or advanced degree from an accredited in-
23 stitution of higher education.

24 “(ii) If a member of the armed forces is apply-
25 ing for assistance for placement as a vocational or

1 technical teacher, the Secretary shall require the
2 member—

3 “(I) to have received the equivalent of one
4 year of college from an accredited institution of
5 higher education and have 3 or more years of
6 military experience in a vocational or technical
7 field; or

8 “(II) to otherwise meet the certification or
9 licensing requirements for a vocational or tech-
10 nical teacher in the State in which the member
11 seeks assistance for placement under the Pro-
12 gram.

13 “(C) A member of the armed forces is eligible
14 to participate in the Program only if the member’s
15 last period of service in the armed forces was honor-
16 able, as characterized by the Secretary concerned. A
17 member selected to participate in the Program be-
18 fore the retirement of the member or the separation
19 or release of the member from active duty may con-
20 tinue to participate in the Program after the retire-
21 ment, separation, or release only if the member’s
22 last period of service is characterized as honorable
23 by the Secretary concerned.

24 “(4) SELECTION PRIORITIES.—In selecting eli-
25 gible members of the armed forces to receive assist-

1 ance under the Program, the Secretary shall give
2 priority to members who—

3 “(A) have educational or military experi-
4 ence in science, mathematics, special education,
5 or vocational or technical subjects; and

6 “(B) agree to seek employment as science,
7 mathematics, or special education teachers in
8 elementary schools or secondary schools or in
9 other schools under the jurisdiction of a local
10 educational agency.

11 “(5) OTHER CONDITIONS ON SELECTION.—(A)
12 The Secretary may not select an eligible member of
13 the armed forces to participate in the Program and
14 receive financial assistance unless the Secretary has
15 sufficient appropriations for the Program available
16 at the time of the selection to satisfy the obligations
17 to be incurred by the United States under subsection
18 (d) with respect to the member.

19 “(B) The Secretary may not select an eligible
20 member of the armed forces described in paragraph
21 (1)(B)(i) to participate in the Program under this
22 section and receive financial assistance under sub-
23 section (d) unless the member executes a written
24 agreement to serve as a member of the Selected Re-
25 serve of a reserve component of the armed forces for

1 a period of not less than 3 years (in addition to any
2 other reserve commitment the member may have).

3 “(d) PARTICIPATION AGREEMENT AND FINANCIAL
4 ASSISTANCE.—

5 “(1) PARTICIPATION AGREEMENT.—(A) An eli-
6 gible member of the armed forces selected to partici-
7 pate in the Program under subsection (c) and re-
8 ceive financial assistance under this subsection shall
9 be required to enter into an agreement with the Sec-
10 retary in which the member agrees—

11 “(i) within such time as the Secretary may
12 require, to obtain certification or licensing as an
13 elementary school teacher, secondary school
14 teacher, or vocational or technical teacher, and
15 to become a highly qualified teacher; and

16 “(ii) to accept an offer of full-time employ-
17 ment as an elementary school teacher, sec-
18 ondary school teacher, or vocational or technical
19 teacher for not less than three school years with
20 a local educational agency receiving grants
21 under part A of title I of the Elementary and
22 Secondary Education Act of 1965 (20
23 U.S.C.6311 et seq.), a Bureau-funded school
24 (as such term is defined in section 1141 of the

1 Education Amendments of 1978 (25 U.S.C. 11
2 2021)), or a public charter school.

3 “(B) The Secretary may waive the three-year
4 commitment described in subparagraph (A)(ii) for a
5 participant if the Secretary determines the waiver to
6 be appropriate. If the Secretary provides the waiver,
7 the participant shall not be considered to be in viola-
8 tion of the agreement and shall not be required to
9 provide reimbursement under subsection (e), for fail-
10 ure to meet the three-year commitment.

11 “(2) VIOLATION OF PARTICIPATION AGREE-
12 MENT; EXCEPTIONS.—A participant in the Program
13 shall not be considered to be in violation of the par-
14 ticipation agreement entered into under paragraph
15 (1) during any period in which the participant—

16 “(A) is pursuing a full-time course of
17 study related to the field of teaching at an in-
18 stitution of higher education;

19 “(B) is serving on active duty as a member
20 of the armed forces;

21 “(C) is temporarily totally disabled for a
22 period of time not to exceed 3 years as estab-
23 lished by sworn affidavit of a qualified physi-
24 cian;

1 “(D) is unable to secure employment for a
2 period not to exceed 12 months by reason of the
3 care required by a spouse who is disabled;

4 “(E) is a highly qualified teacher who is
5 seeking and unable to find full-time employ-
6 ment as a teacher in an elementary school or
7 secondary school or as a vocational or technical
8 teacher for a single period not to exceed 27
9 months; or

10 “(F) satisfies such other criteria as may be
11 prescribed by the Secretary.

12 “(3) STIPEND FOR PARTICIPANTS.—(A) Subject
13 to subparagraph (B), the Secretary may pay to a
14 participant in the Program selected under this sec-
15 tion a stipend in an amount of not more than
16 \$5,000.

17 “(B) The total number of stipends that may be
18 paid under subparagraph (A) in any fiscal year may
19 not exceed 5,000.

20 “(4) BONUS FOR PARTICIPANTS.—(A) Subject
21 to subparagraph (B), the Secretary may, in lieu of
22 paying a stipend under paragraph (3), pay a bonus
23 of \$10,000 to a participant in the Program selected
24 under this section who agrees in the participation
25 agreement under paragraph (1) to become a highly

1 qualified teacher and to accept full-time employment
2 as an elementary school teacher, secondary school
3 teacher, or vocational or technical teacher for not
4 less than 3 school years in a high-need school.

5 “(B) The total number of bonuses that may be
6 paid under subparagraph (A) in any fiscal year may
7 not exceed 3,000.

8 “(C) For purposes of subparagraph (A), the
9 term ‘high-need school’ means a public elementary
10 school, public secondary school, or public charter
11 school that meets one or more of the following cri-
12 teria:

13 “(i) At least 50 percent of the students en-
14 rolled in the school were from low-income fami-
15 lies (as described in subsection (b)(2)(A)(i)).

16 “(ii) The school has a large percentage of
17 students who qualify for assistance under part
18 B of the Individuals with Disabilities Education
19 Act (20 U.S.C. 1411 et. seq.).

20 “(5) TREATMENT OF STIPEND AND BONUS.—A
21 stipend or bonus paid under this subsection to a
22 participant in the Program shall be taken into ac-
23 count in determining the eligibility of the participant
24 for Federal student financial assistance provided

1 under title IV of the Higher Education Act of 1965
2 (20 U.S.C. 1070 et. seq.).

3 “(e) REIMBURSEMENT UNDER CERTAIN CIR-
4 CUMSTANCES.—

5 “(1) REIMBURSEMENT REQUIRED.—A partici-
6 pant in the Program who is paid a stipend or bonus
7 under subsection (d) shall be required to repay the
8 stipend or bonus under the following circumstances:

9 “(A) The participant fails to obtain teach-
10 er certification or licensing, to become a highly
11 qualified teacher, or to obtain employment as
12 an elementary school teacher, secondary school
13 teacher, or vocational or technical teacher as re-
14 quired by the participation agreement under
15 subsection (d)(1).

16 “(B) The participant voluntarily leaves, or
17 is terminated for cause from, employment as an
18 elementary school teacher, secondary school
19 teacher, or vocational or technical teacher dur-
20 ing the 3 years of required service in violation
21 of the participation agreement.

22 “(C) The participant executed a written
23 agreement with the Secretary concerned under
24 subsection (c)(5)(B) to serve as a member of a
25 reserve component of the armed forces for a pe-

1 riod of 3 years and fails to complete the re-
2 quired term of service.

3 “(2) AMOUNT OF REIMBURSEMENT.—A partici-
4 pant required to reimburse the Secretary for a sti-
5 pend or bonus paid to the participant under sub-
6 section (d) shall pay an amount that bears the same
7 ratio to the amount of the stipend or bonus as the
8 unserved portion of required service bears to the
9 three years of required service. Any amount owed by
10 the participant shall bear interest at the rate equal
11 to the highest rate being paid by the United States
12 on the day on which the reimbursement is deter-
13 mined to be due for securities having maturities of
14 90 days or less and shall accrue from the day on
15 which the participant is first notified of the amount
16 due.

17 “(3) TREATMENT OF OBLIGATION.—The obliga-
18 tion to reimburse the Secretary under this sub-
19 section is, for all purposes, a debt owing the United
20 States. A discharge in bankruptcy under title 11
21 shall not release a participant from the obligation to
22 reimburse the Secretary under this subsection.

23 “(4) EXCEPTIONS TO REIMBURSEMENT RE-
24 QUIREMENT.—A participant shall be excused from
25 reimbursement under this subsection if the partici-

1 pant becomes permanently totally disabled as estab-
2 lished by sworn affidavit of a qualified physician.
3 The Secretary may also waive the reimbursement in
4 cases of extreme hardship to the participant, as de-
5 termined by the Secretary.

6 “(f) RELATIONSHIP TO EDUCATIONAL ASSISTANCE
7 UNDER MONTGOMERY GI BILL.—The receipt by a partic-
8 ipant in the Program of a stipend or bonus under this
9 subsection (d) shall not reduce or otherwise affect the enti-
10 tlement of the participant to any benefits under chapter
11 30 or 33 of title 38 or chapter 1606 of this title.

12 “(g) PARTICIPATION BY STATES.—

13 “(1) DISCHARGE OF STATE ACTIVITIES
14 THROUGH CONSORTIA OF STATES.—The Secretary
15 may permit States participating in the Program to
16 carry out activities authorized for such States under
17 the Program through one or more consortia of such
18 States.

19 “(2) ASSISTANCE TO STATES.—(A) Subject to
20 subparagraph (B), the Secretary may make grants
21 to States participating in the Program, or to con-
22 sortia of such States, in order to permit such States
23 or consortia of States to operate offices for purposes
24 of recruiting eligible members of the armed forces
25 for participation in the Program and facilitating the

1 employment of participants in the Program as ele-
2 mentary school teachers, secondary school teachers,
3 and vocational or technical teachers.

4 “(B) The total amount of grants made under
5 subparagraph (A) in any fiscal year may not exceed
6 \$5,000,000.”.

7 (2) CLERICAL AMENDMENT.—The table of sec-
8 tions at the beginning of chapter 58 of such title is
9 amended by adding at the end the following new
10 item:

“1154. Assistance to eligible members to obtain employment as teachers:
Troops-to-Teachers Program.”.

11 (3) CONFORMING AMENDMENT.—Section
12 1142(b) (4)(C) of such title is amended by striking
13 “under sections 1152 and 1153 of this title and the
14 Troops-to-Teachers Program under section 2302 of
15 the Elementary and Secondary Education Act of
16 1965 (20 U.S.C. 6672)” and inserting “under sec-
17 tions 1152, 1153, and 1154 of this title”.

18 (4) TERMINATION OF ORIGINAL PROGRAM.—

19 (A) TERMINATION.—

20 (i) Chapter A of subpart 1 of part C
21 of the Elementary and Secondary Edu-
22 cation Act of 1965 (20 U.S.C. 6671 et
23 seq.) is repealed.

1 (ii) The table of contents in section 2
2 of part I of the Elementary and Secondary
3 Education Act 1965 is amended by strik-
4 ing the items relating to chapter A of sub-
5 part 1 of part C of such Act.

6 (B) EXISTING AGREEMENTS.—The repeal
7 of such chapter shall not affect the validity or
8 terms of any agreement entered into before the
9 date of the enactment of this Act under chapter
10 A of subpart 1 of part C of the Elementary and
11 Secondary Education Act of 1965 (20 U.S.C.
12 6671 et seq.), or to pay assistance, make
13 grants, or obtain reimbursement in connection
14 with such an agreement as in effect before such
15 repeal.

16 (c) ADVISORY BOARD.—

17 (1) ESTABLISHMENT.—Not later than 120 days
18 after the date of the enactment of this Act, the Sec-
19 retary of Defense, in consultation with the Secretary
20 of Education, shall establish an Advisory Board
21 composed of—

22 (A) a representative from the Defense Ac-
23 tivity for Non-Traditional Education Support
24 Division of the Department of Defense;

1 (B) a representative from the Department
2 of Innovation and Improvement of the Depart-
3 ment of Education;

4 (C) a representatives from three State of-
5 fices that operate to recruit eligible members of
6 the Armed Forces for participation in the
7 Troops-to-Teachers Program and facilitating
8 the employment of participants in the Program
9 as elementary school teachers, secondary school
10 teachers, and vocational or technical teachers;
11 and

12 (D) a representative from each of three
13 veteran service organizations.

14 (2) DUTIES.—The Advisory Board established
15 under this subsection shall—

16 (A) collect, consider, and disseminate feed-
17 back from participants and State offices de-
18 scribed in paragraph (1)(C) on—

19 (i) the best practices for improving re-
20 cruitment of eligible members of the
21 Armed Forces in States, local educational
22 agencies, and public charter schools under
23 served by the Troops-to-Teachers Program;

24 (ii) ensuring that high-need local edu-
25 cational agencies and public charter

1 schools are aware of the Program and how
2 to participate in it;

3 (iii) coordinating the goals of the Pro-
4 gram with other Federal, State, and local
5 education needs and programs; and

6 (iv) other activities that the Advisory
7 Board deems necessary; and

8 (B) not later than one year after the date
9 of the enactment of this Act, and annually
10 thereafter, prepare and submit a report to the
11 appropriate committees of Congress, which shall
12 include—

13 (i) information with respect to the ac-
14 tivities of the Advisory Board;

15 (ii) information with respect to the
16 Troops-to-Teachers Program, including—

17 (I) the number of participants in
18 the Program;

19 (II) the number of States partici-
20 pating in the Program;

21 (III) local educational agencies
22 and schools in where participants are
23 employed;

24 (IV) the grade levels at which
25 participants teach;

1 (V) the academic subjects taught
2 by participants;

3 (VI) rates of retention of partici-
4 pants by the local educational agen-
5 cies and public charter schools em-
6 ploying participant;

7 (VII) other demographic informa-
8 tion as may be necessary to evaluate
9 the effectiveness of the Program; and

10 (VIII) a review of the stipend
11 and bonus available to participants
12 under the Program; and

13 (iii) recommendations for—

14 (I) improvements to local, State,
15 and Federal recruitment and retention
16 efforts;

17 (II) legislative or executive policy
18 changes to improve the Program, en-
19 hance participant experience, and in-
20 crease participation in the program;
21 and

22 (III) other changes necessary to
23 ensure that the Program is meeting
24 its purposes.

25 (d) DEFINITIONS.—In this section

1 (1) The term “appropriate committees of Con-
2 gress” means—

3 (A) the Committees on Armed Services
4 and Health, Education, Labor, and Pensions of
5 the Senate; and

6 (B) the Committees on Armed Services
7 and Education and Labor of the House of Rep-
8 resentatives.

9 (2) The term “Troops-to-Teachers Program”
10 means the Troops-to-Teachers Program under sec-
11 tion 1154 of title 10, United States Code (as added
12 by subsection (b)), as authorized before October 1,
13 2011, by chapter A of subpart 1 of part C of title
14 II of the Elementary and Secondary Education Act
15 of 1965 (20 U.S.C. 6671 et seq.).

16 (e) EFFECTIVE DATE.—Subsection (a) and the
17 amendments made by subsection (b) shall take effect on
18 October 1, 2011.



**96. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DAVIS
OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10
MINUTES**

AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY M^S. DAVIS

Page 345, after line 8, insert the following:

1 **SEC. 731. FREQUENCY OF REPORTS ON CONTINUED VIABIL-**
2 **ITY OF TRICARE STANDARD AND TRICARE**
3 **EXTRA.**

4 Section 711(b)(2) of the National Defense Authoriza-
5 tion Act for Fiscal Year 2008 (Public Law 110-181; 10
6 U.S.C. 1073 note) is amended in the matter preceding
7 subparagraph (A) by striking “bi-annual” and inserting
8 “biennial”.



97. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DENT
OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

109

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. DENT OF PENNSYLVANIA**

Page 46, after line 18, insert the following:

1 **SEC. 147. STUDY ON DOMESTIC CAPACITY FOR MANUFAC-**
2 **TURE OF SHIP SHAFTS AND OTHER FORGED**
3 **COMPONENTS.**

4 The Secretary of Defense shall conduct a study to
5 measure the domestic capacity in accordance with the De-
6 fense Acquisition Regulations System to manufacture ship
7 shafts and other forged components used by surface and
8 sub-surface vessels of the Navy.



**98. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
DELAURO OF CONNECTICUT OR HER DESIGNEE, DEBATABLE
FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MS. DELAURO OF CONNECTICUT
AND MR. WOLF OF VIRGINIA**

At the end of subtitle C of title XII of division A
of the bill, add the following:

1 **SEC. 12xx. PROHIBITION ON PROCUREMENTS FROM COM-**
2 **MUNIST CHINESE MILITARY COMPANIES.**

3 (a) **WAIVER AUTHORIZED.**—Subsection (c) of section
4 1211 of the National Defense Authorization Act for Fiscal
5 Year 2006 (Public Law 109–163; 119 Stat. 3461; 10
6 U.S.C. 2302 note) is amended to read as follows:

7 “(c) **WAIVER AUTHORIZED.**—The Secretary of De-
8 fense may waive the limitation on procurement of a good
9 or service under subsection (a) if the good or service is
10 critical to the needs of the Department of Defense and
11 is otherwise unavailable to the Department of Defense and
12 the Secretary submits to the congressional defense com-
13 mittees a report described in subsection (d) not less than
14 15 days before issuing the waiver under this subsection.”.

15 (b) **REPORT.**—Such section is amended—

16 (1) by redesignating subsection (d) as sub-
17 section (e); and

1 (2) by inserting after subsection (c) the fol-
2 lowing:

3 “(d) REPORT.—The report referred to in subsection
4 (c) is a report that identifies the specific reasons for the
5 waiver issued under subsection (c) and includes rec-
6 ommendations as to what actions may be taken to develop
7 alternative sourcing capabilities in the future.”.

8 (c) DEFINITION OF COMMUNIST CHINESE MILITARY
9 COMPANY.—Subsection (e) of such section, as redesignig-
10 nated by subsection (b)(1) of this section, is amended by
11 striking paragraph (1) and inserting the following:

12 “(1) The term ‘Communist Chinese military
13 company’ means—

14 “(A) any person identified in the Defense
15 Intelligence Agency publication numbered VP-
16 1920-271-90, dated September 1990, or PC-
17 1921-57-95, dated October 1995, and any up-
18 date of those publications for the purposes of
19 this section; and

20 “(B) any other person that—

21 “(i) is owned or controlled by, di-
22 rected by or from, operating with delegated
23 authority from, or affiliated with, the Peo-
24 ple’s Liberation Army or the government
25 of the People’s Republic of China or that

1 is owned or controlled by an entity affili-
2 ated with the defense industrial base of the
3 People's Republic of China; and

4 "(ii) is engaged in providing commer-
5 cial services, manufacturing, producing, or
6 exporting."

7 (d) EFFECTIVE DATE.—The amendments made by
8 this section take effect on the date of the enactment of
9 this Act and apply with respect to contracts and sub-
10 contracts of the Department of Defense entered into on
11 or after the date of the enactment of this Act.



99. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
DONNELLY OF INDIANA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. DONNELLY OF INDIANA**

Page 364, after line 2, insert the following:

1 **SEC. 825. QUALITY ASSURANCE SURVEILLANCE PLAN FOR**
2 **SECURITY CONTRACTORS OPERATING IN AF-**
3 **GHANISTAN AND IN SUPPORT OF OTHER**
4 **CONTINGENCY OPERATIONS.**

5 (a) IN GENERAL.—The Secretary of Defense shall es-
6 tablish a plan to be known as a “Quality Assurance Sur-
7 veillance Plan” setting standards that must be incor-
8 porated in Department of Defense oversight plans gov-
9 erning all security contractors operating in Afghanistan,
10 and other future contingency operations, under a contract
11 or subcontract funded by the Department of Defense. The
12 Secretary shall designate a single appropriate official sta-
13 tioned in the country of operations to review each security
14 contract or subcontract involving security contractors
15 funded by the Department of Defense for compliance with
16 the Quality Assurance Surveillance Plan. Such official
17 shall certify that the official has reviewed the oversight
18 plan for that contract, that the oversight plan is appro-
19 priate for that contract, that there is an appropriate num-
20 ber of appropriately trained personnel available to oversee

1 that contract, and confirm that any and all licenses and
2 permits required by the security contractor and its em-
3 ployees have been reviewed and verified as current and au-
4 thentic.

5 (b) DEADLINE FOR IMPLEMENTATION.—These re-
6 quirements under subsection (a) shall be implemented by
7 not later than six months after the date of enactment of
8 this Act.

9 (c) COMPTROLLER GENERAL ASSESSMENT.—The
10 Comptroller General of the United States shall conduct
11 an assessment the Department of Defense's compliance
12 with this section and, not later than 6 months after the
13 requirements of this section are implemented pursuant to
14 subsection (b), shall submit to Congress a report on such
15 assessment.



**100. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
EDWARDS OF MARYLAND OR HER DESIGNEE, DEBATABLE FOR
10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MS. EDWARDS OF MARYLAND**

Page 762, line 3, strike “and” and insert the following:

- 1 “(3) analyzes the impact of the action on local
- 2 businesses, neighborhoods, and local governments;
- 3 and”.

Page 762, line 4, strike “(3)” and insert “(4)”.



**101. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
ELLISON OF MINNESOTA OR HIS DESIGNEE, DEBATABLE FOR
10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. ELLISON OF MINNESOTA**

At the end of subtitle B of title XII of division A
of the bill, add the following:

1 **SEC. 12xx. REPORT ON UNITED STATES MILITARY STRAT-**
2 **EGY IN AFGHANISTAN IN LIGHT OF THE**
3 **DEATH OF OSAMA BIN LADEN.**

4 (a) REPORT REQUIRED.—Not later than 60 days
5 after the date of the enactment of this Act, the Secretary
6 of Defense shall submit to the congressional defense com-
7 mittees a report on the United States military strategy
8 in Afghanistan, including the extent to which the strategy
9 has changed or is anticipated to change in light of the
10 death of Osama bin Laden.

11 (b) FORM.—The report required under subsection (a)
12 shall be submitted in unclassified form, but may contain
13 a classified annex if necessary.



**102. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLAKE
OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. FLAKE OF ARIZONA**

At the end of title X, add the following new section:

**1 SEC. 1099C. REQUIREMENT THAT WRITTEN COMMUNICA-
2 TIONS FROM CONGRESS BE MADE PUBLIC BY
3 DEPARTMENT OF DEFENSE.**

4 Any written communication from Congress, including
5 a committee of the Senate or the House of Representa-
6 tives, a member of Congress, an officer of Congress, or
7 a congressional staff member, recommending that funds
8 be committed, obligated, or expended on any project with-
9 in a program element set forth in the funding tables in
10 division D of this Act shall be made publicly available on
11 the Internet by the receiving entity of the Department of
12 Defense, not later than 30 days after receipt of such com-
13 munication.



**103. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLAKE
OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. FLAKE OF ARIZONA

Page 708, after line 12, insert the following:

1 **SEC. 1699F-1. REPORTS ON INCREASED BUDGET ITEMS.**

2 (a) REPORTS.—

3 (1) IN GENERAL.—For each program described
4 in subsection (b), the Secretary of Defense shall sub-
5 mit to the congressional defense committees a report
6 containing—

7 (A) a justification of the use of the total
8 amount appropriated for the program for fiscal
9 year 2012; and

10 (B) the process by which such amounts
11 were awarded.

12 (2) SUBMISSION.—The Secretary shall submit
13 each report under paragraph (1) by not later than
14 the date that is 180 days after the date on which
15 the funds for the program for fiscal year 2012 have
16 been allocated.

17 (b) PROGRAM DESCRIBED.—A program described in
18 this subsection is a program element funded—

19 (1) with amounts authorized to be appropriated
20 by section 201; and

1 (2) in an amount that is more than the amount
2 requested by the President in the budget submitted
3 to Congress under section 1105 of title 31, United
4 States Code, for fiscal year 2012.



**104. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
FRANKS OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. FRANKS OF ARIZONA**

At the end of title XXVIII, add the following new section:

1 **SEC. 28 ____ . TRANSFER OF THE AIR FORCE MEMORIAL TO**
2 **THE DEPARTMENT OF THE AIR FORCE.**

3 (a) TRANSFER OF MEMORIAL TO SECRETARY OF THE
4 AIR FORCE.—Administrative jurisdiction, custody, and
5 control of the Air Force Memorial (as defined in section
6 9784(d) of title 10, United States Code, as added by sub-
7 section (b)) is hereby transferred to the Secretary of the
8 Air Force.

9 (b) OPERATION, MAINTENANCE, AND MANAGEMENT
10 OF MEMORIAL.—

11 (1) AUTHORITY OF SECRETARY OF THE AIR
12 FORCE.—Chapter 949 of title 10, United States
13 Code, is amended by adding at the end the following
14 new section:

15 **“§ 9784. Air Force Memorial**

16 “(a) RESPONSIBILITY.—The Secretary of the Air
17 Force has jurisdiction, custody, and control of the Air
18 Force Memorial and is responsible for the operation, main-
19 tenance, and management of the Memorial.

1 “(b) COOPERATIVE AGREEMENT FOR OPERATION
2 AND MAINTENANCE OF THE MEMORIAL.—The Secretary
3 of the Air Force may enter into a cooperative agreement
4 with the Air Force Memorial Foundation or any other
5 suitable entity to assist with the operation and mainte-
6 nance of the Air Force Memorial.

7 “(c) DISPOSITION OF CONTRIBUTIONS.—Any con-
8 tribution made for the purpose of assisting in the oper-
9 ation and maintenance of the Air Force Memorial that is
10 deposited into the Department of the Air Force General
11 Gift Fund pursuant to section 2601 of this title shall be
12 available only for the purpose of the operation and mainte-
13 nance of the Air Force Memorial.

14 “(d) DEFINITION.—In this section, the term ‘Air
15 Force Memorial’ means the memorial established pursuant
16 to Public Law 103–163 to honor the men and women who
17 have served in the United States Air Force and its prede-
18 cessor organizations and that area of land occupied by
19 that memorial, along with any facilities constructed there-
20 on, and consisting of approximately three acres in Arling-
21 ton, Virginia, made available by the Secretary of Defense
22 for use as the location of the Air Force Memorial pursuant
23 to section 2863(b)(1) of the Military Construction Author-
24 ization Act for Fiscal Year 2002 (division B of Public Law
25 107–107; 115 Stat. 1330).”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of such chapter is amended
3 by adding at the end the following new item:

“9784. Air Force Memorial.”.

4 (c) REPEAL.—Section 2872 of the Military Construc-
5 tion Authorization Act for Fiscal Year 2008 (division B
6 of Public Law 110–181; 122 Stat. 562) is repealed.



**105. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
GARAMENDI OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. GARAMENDI OF CALIFORNIA**

Page 835, after line 10, insert the following:

1 **SEC. 3125. NATIONAL ACADEMY OF SCIENCES REVIEW OF**
2 **NUCLEAR WASTE REPROCESSING AND NU-**
3 **CLEAR REACTOR TECHNOLOGY.**

4 (a) STUDY.—Not later than 60 days after the date
5 of the enactment of this Act, the Administrator for Nu-
6 clear Security shall enter into an agreement with the Na-
7 tional Academy of Sciences to conduct a study on waste
8 reprocessing and Generation IV nuclear reactor tech-
9 nology.

10 (b) ELEMENTS.—The study required under sub-
11 section (a) shall include—

12 (1) a review of previous studies related to the
13 subject of nuclear waste reprocessing as a point of
14 reference;

15 (2) a determination of the feasibility of using
16 nuclear reactor technology, particularly proven Gen-
17 eration IV nuclear reactor technology, created at the
18 national labs at a site charged with meeting inter-
19 national agreements to dispose or decommission nu-
20 clear weapons which has substantial legacy waste in

1 order to reprocess and reuse the materials in a pro-
2 liferation-resistant process that will generate elec-
3 tricity;

4 (3) a determination of the resulting waste
5 streams;

6 (4) an analysis of the nuclear proliferation
7 risks, including effects on the nuclear nonprolifera-
8 tion efforts of the United States;

9 (5) a comparison to nuclear waste reprocessing
10 technologies used in other countries and a compari-
11 son to the direct disposal of nuclear waste; and

12 (6) a detailed analysis of the feasibility of large-
13 scale deployment of such technology at military in-
14 stallations.

15 (c) REPORTS.—

16 (1) NNSA.—The National Academy of Sciences
17 shall submit to the Administrator for Nuclear Secu-
18 rity a report containing the results of the study and
19 any recommendations resulting from the study.

20 (2) CONGRESS.—Not later than 18 months
21 after the date on which the contract is awarded
22 under subsection (a), the Administrator for Nuclear
23 Security shall submit to the appropriate congres-
24 sional committees the report submitted under para-

1 graph (1) and any comments or recommendations of
2 the Administrator with respect to the report.

3 (3) FORM.—The report under paragraph (2)
4 shall be submitted to the appropriate congressional
5 committees in unclassified form, but may include a
6 classified annex.

7 (4) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES.—In this section, the term “appropriate con-
9 gressional committees” means the following:

10 (A) The Committee on Armed Services, the
11 Committee on Energy and Commerce, and the
12 Committee on Foreign Affairs of the House of
13 Representatives.

14 (B) The Committee on Armed Services,
15 the Committee on Energy and Natural Re-
16 sources, and the Committee on Foreign Rela-
17 tions of the Senate.



**106. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
HANABUSA OF HAWAII OR HER DESIGNEE, DEBATABLE FOR 10
MINUTES**

44

AMENDMENT TO H.R. 1540, AS REPORTED

OFFERED BY M. Hanabusa

Page 325, after line 9, insert the following:

1 **SEC. 705. TRICARE STANDARD FOR CERTAIN MEMBERS OF**
2 **THE INDIVIDUAL READY RESERVE.**

3 (a) COVERAGE FOR CERTAIN IRR MEMBERS.—

4 (1) IN GENERAL.—Subsection (a) of section
5 1076e of title 10, United States Code, is amended
6 to read as follows:

7 “(a) ELIGIBILITY.—(1) Except as provided in para-
8 graph (2), the following individuals are eligible for health
9 benefits under TRICARE Standard as provided in this
10 section:

11 “(A) A member of the Retired Reserve of a re-
12 serve component of the armed forces who is qualified
13 for a non-regular retirement at age 60 under chap-
14 ter 1223 of this title but has not attained the age
15 of 60.

16 “(B) A member of the Individual Ready Re-
17 serve described in subsection 10144(b) of this title
18 who served on active duty for an aggregate of not
19 less than one year beginning on or after September
20 11, 2001.

1 “(2) Paragraph (1) does not apply to a member who
2 is enrolled, or is eligible to enroll, in a health benefits plan
3 under chapter 89 of title 5.”.

4 (2) TERMINATION.—Subsection (b) of such sec-
5 tion is amended—

6 (A) in the subsection heading, by striking
7 “STANDARD”;

8 (B) by striking “the member becoming”
9 and inserting “a member described in sub-
10 section (a)(1)(A) becoming”; and

11 (C) by inserting before the period at the
12 end the following: “or a member described in
13 subsection (a)(1)(B) becoming eligible for
14 TRICARE coverage under any other section of
15 this chapter”.

16 (3) SECTION HEADING.—The heading of such
17 section is amended by striking “**who are quali-**
18 **fied for a non-regular retirement but are**
19 **not yet age 60**” and inserting “**and Indi-**
20 **vidual Ready Reserve**”

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of chapter 55 of title 10, United States
23 Code, is amended by striking the item relating to section
24 1076e and inserting the following new item:

“1076e. TRICARE program: TRICARE Standard coverage for certain members
of the Retired Reserve and Individual Ready Reserve.”.

1 (c) FUNDING INCREASE AND OFFSETTING REDUC-
2 TION.—Notwithstanding the amounts set forth in the
3 funding tables in division D—

4 (1) the amount authorized to be appropriated in
5 section 1406 for the Defense Health Program, as
6 specified in the corresponding funding table in divi-
7 sion D, is hereby increased by \$5,000,000, with the
8 amount of the increase allocated to the Defense
9 Health Program, as set forth in the table under sec-
10 tion 4501, to carry out the amendments made by
11 this section; and

12 (2) the amount authorized to be appropriated in
13 section 101 for other procurement, Army, as speci-
14 fied in the corresponding funding table in division D,
15 is hereby reduced by \$5,000,000, with the amount
16 of the reduction to be derived from Joint Tactical
17 Radio System Maritime-Fixed radios under Line
18 039 Joint Tactical Radio System as set forth in the
19 table under section 4101.



**107. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
HASTINGS OF WASHINGTON OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. HASTINGS OF WASHINGTON**

Page 825, after line 2, insert the following new section:

1 SEC. 3114. HANFORD WASTE TANK CLEANUP PROGRAM RE-
2 FORMS.

3 Section 4442 of the Atomic Energy Defense Act (50
4 U.S.C. 2622) is amended—

5 (1) in subsection (b)(2), by striking “, con-
6 sistent with the policy direction established by the
7 Department, all aspects of the River Protection
8 Project, Richland, Washington” and inserting “all
9 aspects of the River Protection Project, Richland,
10 Washington, including Hanford Tank Farm Oper-
11 ations and the Waste Treatment Plant”;

12 (2) by amending subsection (d) to read as fol-
13 lows:

14 “(d) NOTIFICATION.—The Assistant Secretary of
15 Energy for Environmental Management shall submit to
16 the Committee on Armed Services of the Senate and the
17 Committee on Armed Services of the House of Represent-
18 atives written notification detailing any changes in the

1 roles, responsibilities and reporting relationships that in-
2 volve the Office.”; and

3 (3) by striking subsections (e) and (f) and in-
4 serting the following new section:

5 “(e) TERMINATION.—The Office shall terminate on
6 September 30, 2019. The Office may be extended beyond
7 that date if the Assistant Secretary of Energy for Envi-
8 ronmental Management determines in writing that termi-
9 nation would disrupt effective management of the Hanford
10 Tank Farm operations.”.



**108. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
HASTINGS OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. HASTINGS OF FLORIDA**

At the end of title X, add the following:

1 **SEC. 1099C. SENSE OF CONGRESS REGARDING DEPLOY-**
2 **MENT OF ARMED FORCES WITHOUT CONSID-**
3 **ERABLE DELIBERATION.**

4 It is the sense of the Congress that before voting be-
5 gins with respect to funding of any deployment of the
6 Armed Forces, Members of the Congress—

7 (1) should designate a time period in which
8 Members consider the cultures, religions, ethnicities,
9 geographies, histories, and politics of nations and re-
10 gions in which the Armed Forces are engaged or are
11 proposed to engage in military action;

12 (2) should be given access to in-depth briefings
13 on the information described in paragraph (1); and

14 (3) fully consider and appreciate the enormous
15 complexities and uncertainties inherent in the mili-
16 tary engagements of the United States in certain re-
17 gions, in particular the Middle East.



109. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HECK
OF NEVADA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. HECK OF NEVADA**

At the end of subtitle B of title III, insert the following:

1 **SEC. 3 __. FIRE SUPPRESSION AGENTS.**

2 Section 605(a) of the Clean Air Act (42 U.S.C.
3 7671d(a)) is amended—

4 (1) by striking “or” at the end of paragraph
5 (2);

6 (2) by striking the period at the end of para-
7 graph (3) and inserting “; or”; and

8 (3) by adding the following new paragraph after
9 paragraph (3):

10 “(4) is listed as acceptable for use as a fire sup-
11 pression agent for nonresidential applications in ac-
12 cordance with section 612(c).”.



**110. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
INSLEE OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR
10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. INSLEE OF WASHINGTON**

Page 345, after line 8, insert the following:

1 **SEC. 731. PROVISION OF REHABILITATIVE EQUIPMENT**
2 **UNDER WOUNDED WARRIOR ACT.**

3 Section 1631 of the Wounded Warrior Act (title XVI
4 of Public Law 110-181; 10 U.S.C. 1071 note) is amended
5 by adding at the end the following:

6 “(c) REHABILITATIVE EQUIPMENT FOR MEMBERS
7 OF THE ARMED FORCES.—

8 “(1) IN GENERAL.—Subject to the availability
9 of appropriations for such purpose, the Secretary of
10 Defense may provide an active duty member of the
11 Armed Forces with a severe injury or illness with re-
12 habilitative equipment, including recreational sports
13 equipment that provide an adaption or accommoda-
14 tion for the member, regardless of whether such
15 equipment is intentionally designed to be adaptive
16 equipment.

17 “(2) CONSULTATION.—In carrying out this sub-
18 section, the Secretary of Defense shall consult with
19 the Secretary of Veterans Affairs regarding similar

1 programs carried out by the Secretary of Veterans
2 Affairs.”.



**111. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR
10 MINUTES**

134k

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MS. JACKSON LEE OF TEXAS**

Page 531, after line 2, insert the following:

1 **SEC. 1099C. PROCLAMATION FOR NATIONAL DAY OF**
2 **HONOR TO CELEBRATE MEMBERS OF THE**
3 **ARMED FORCES RETURNING FROM IRAQ, AF-**
4 **GHANISTAN, AND OTHER COMBAT AREAS.**

5 The President shall designate a day entitled a Na-
6 tional Day of Honor to celebrate members of the Armed
7 Forces who are returning from deployment in support of
8 Iraq, Afghanistan, and other combat areas.



**112. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR
10 MINUTES**

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**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MS. JACKSON LEE OF TEXAS**

Page 345, after line 8, insert the following:

1 **SEC. 731. SENSE OF CONGRESS ON POST-TRAUMATIC**
2 **STRESS DISORDER.**

3 It is the sense of Congress that—

4 (1) post-traumatic stress disorder is an increas-
5 ingly common disease suffered by returning mem-
6 bers of the Armed Forces; and

7 (2) access to treatment for members with post-
8 traumatic stress disorder should be expanded to in-
9 clude local and community medical facilities.



**113. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KIND
OF WISCONSIN OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES**

119

For Kind

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. KIND OF WISCONSIN**

At the end of title III, add the following new section:

1 **SEC. 3__ . ASSISTANCE FOR HOMELAND DEFENSE MISSION**
2 **TRAINING.**

3 (a) ASSISTANCE AUTHORIZED.—Chapter 9 of title
4 32, United States Code, is amended by adding at the end
5 the following new section:

6 **“§ 909. Training assistance**

7 “(a) ASSISTANCE AUTHORIZED.—To improve the
8 training of National Guard units and Federal agencies
9 performing homeland defense activities, the Secretary of
10 Defense may provide funding assistance through a special
11 military cooperative agreement for the operation and
12 maintenance of any State training center certified by the
13 Federal Emergency Management Agency as capable of
14 providing emergency response training.

15 “(b) MERIT-BASED OR COMPETITIVE DECISIONS.—
16 A decision to commit, obligate, or expend funds under sub-
17 section (a) with or to a specific entity shall—

18 “(1) be based on merit-based selection proce-
19 dures in accordance with the requirements of sec-

1 tions 2304(k) and 2374 of title 10 or on competitive
2 procedures; and

3 “(2) comply with other applicable provisions of
4 law.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of such chapter is amended by adding
7 at the end the following new item:

 “909. Training assistance.”.



**114. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
KINZINGER OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR
10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. KINZINGER OF ILLINOIS**

Page 92, after line 12, insert the following:

1 **SEC. 254. PROHIBITION ON USE OF FUNDS FOR NEWLY DE-**
2 **SIGNED FLIGHT SUIT.**

3 None of the funds authorized to be appropriated by
4 this Act may be used to research, develop, manufacture,
5 or procure a newly designed flight suit for members of
6 the Armed Forces.



**115. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
LANGEVIN OF RHODE ISLAND OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. LANGEVIN OF RHODE ISLAND**

Page 92, after line 12, insert the following:

1 SEC. 254. NATIONAL DEFENSE EDUCATION PROGRAM.

2 If the total amount authorized to be appropriated by
3 this Act for the National Defense Education Program for
4 fiscal year 2012 is less than the amount requested by the
5 President for such program in the budget submitted to
6 Congress under section 1105 of title 31, United States
7 Code, for such fiscal year, the Secretary of Defense may
8 not derive the difference between such amounts from the
9 K-12 component of such program.



**116. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
LARSEN OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR
10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. LARSEN OF WASHINGTON**

At the end of subtitle A of title XII of division A
of the bill, add the following:

1 SEC. 12xx. GLOBAL SECURITY CONTINGENCY FUND.

2 (a) AUTHORITY.—

3 (1) IN GENERAL.—The Secretary of State, with
4 the concurrence of the Secretary of Defense, is au-
5 thorized to establish a fund, to be known as the
6 Global Security Contingency Fund, which shall con-
7 sist of such amounts as may be contributed under
8 paragraph (2) to the fund, to provide assistance to
9 a foreign country described in subsection (b) for the
10 purposes described in subsection (c). The program
11 authorized under this subsection shall be jointly fi-
12 nanced and carried out by the Department of State
13 and the Department of Defense in accordance with
14 the requirements of this section.

15 (2) CONTRIBUTIONS TO FUND.—

16 (A) IN GENERAL.—For each of fiscal years
17 2012 through 2015, the Secretary of State and
18 the Secretary of Defense may contribute not
19 more than \$300,000,000 of amounts made

1 available to carry out the provisions of law de-
2 scribed in subsection (d).

3 (B) AVAILABILITY.—Notwithstanding any
4 other provision of law, amounts contributed
5 under this paragraph to the fund shall be
6 merged with amounts in the fund and shall be
7 available for purposes of carrying out the pro-
8 gram authorized under this subsection.

9 (3) LIMITATION.—The authority of this sub-
10 section may not be exercised with respect to a fiscal
11 year until—

12 (A) the Secretary of State contributes to
13 the fund not less than one-third of the total
14 amount contributed to the fund for the fiscal
15 year; and

16 (B) the Secretary of Defense contributes to
17 the fund not more than two-thirds of the total
18 amount contributed to the fund for the fiscal
19 year.

20 (4) RULE OF CONSTRUCTION.—The ratios of
21 contributions described in paragraph (3) shall be de-
22 termined at the beginning of a fiscal year and may
23 not be determined on a project-by-project basis.

24 (b) ELIGIBLE FOREIGN COUNTRIES.—A foreign
25 country described in this subsection is a country that is

1 designated by the Secretary of State, with the concurrence
2 of the Secretary of Defense, and is eligible to receive as-
3 sistance under one or more of the provisions of law de-
4 scribed in subsection (d).

5 (c) PURPOSE OF PROGRAM.—The program author-
6 ized under subsection (a) may provide assistance to en-
7 hance the capabilities of military forces, and other security
8 forces that conduct border and maritime security, and
9 counterterrorism operations, as well as the government
10 agencies responsible for such forces, in order to strengthen
11 a foreign country's national and regional security interests
12 consistent with United States foreign policy interests.

13 (d) PROVISIONS OF LAW DESCRIBED.—The provi-
14 sions of law described in this subsection are the following:

15 (1) Section 1206 of the National Defense Au-
16 thorization Act for Fiscal Year 2006 (Public Law
17 109-163; 119 Stat. 3456; relating to program to
18 build the capacity of foreign military forces).

19 (2) Section 1033 of the National Defense Au-
20 thorization Act for Fiscal Year 1998 (Public Law
21 105-85; 111 Stat. 1881; relating to authority to
22 provide additional support for counter-drug activities
23 of other countries).

24 (3) Amounts authorized to be appropriated by
25 section 301 for operation and maintenance, Defense-

1 wide activities, and available for the Defense Secu-
2 rity Cooperation Agency for the Warsaw Initiative
3 Funds (WIF) for the participation of the North At-
4 lantic Treaty Organization (NATO) members in the
5 exercises and programs of the Partnership for Peace
6 program of the North Atlantic Treaty Organization.

7 (4) Section 23 of the Arms Export Control Act
8 (22 U.S.C. 2763; relating to foreign military financ-
9 ing program).

10 (5) Section 481 of the Foreign Assistance Act
11 of 1961 (22 U.S.C. 2291; relating to international
12 narcotics control and law enforcement).

13 (6) Chapter 5 of part II of the Foreign Assist-
14 ance Act of 1961 (22 U.S.C. 2347 et seq.; relating
15 to international military education and training pro-
16 gram).

17 (7) Chapter 8 of part II of the Foreign Assist-
18 ance Act of 1961 (22 U.S.C. 2349aa et seq.; relating
19 to antiterrorism assistance).

20 (e) FORMULATION AND EXECUTION OF PROGRAM.—

21 (1) IN GENERAL.—The program authorized
22 under subsection (a)—

23 (A) shall be jointly formulated by the Sec-
24 retary of State and the Secretary of Defense;
25 and

1 (B) shall, prior to its implementation, be
2 approved by the Secretary of State, with the
3 concurrence of the Secretary of Defense.

4 (2) REQUIRED ELEMENTS.—The program au-
5 thorized under subsection (a) shall include elements
6 that promote—

7 (A) observance of and respect for human
8 rights and fundamental freedoms; and

9 (B) respect for legitimate civilian author-
10 ity.

11 (f) RELATED AUTHORITIES.—

12 (1) IN GENERAL.—The program authorized
13 under subsection (a) shall be—

14 (A) jointly financed by the Secretary of
15 State and the Secretary of Defense through
16 amounts contributed to the fund under sub-
17 section (a)(2) from one or more provisions of
18 law described in subsection (d) under which the
19 foreign country is eligible to receive assistance;
20 and

21 (B) carried out under the authorities of
22 such provisions of law and the authorities of
23 this section.

24 (2) ADMINISTRATIVE AUTHORITIES.—Funds
25 made available under a program authorized under

1 subsection (a) shall be subject to the same adminis-
2 trative authorities as apply to funds made available
3 to carry out the Foreign Assistance Act of 1961 (22
4 U.S.C. 2151 et seq.).

5 (3) LIMITATION ON ELIGIBLE COUNTRIES.—

6 The program authorized under subsection (a) may
7 not include the provision of assistance to—

8 (A) any foreign country that is otherwise
9 prohibited from receiving such assistance under
10 any other provision of law; or

11 (B) Iraq, Afghanistan, or Pakistan.

12 (g) CONGRESSIONAL NOTIFICATION.—

13 (1) IN GENERAL.—Not less than 15 days before
14 implementing an activity under the program author-
15 ized under subsection (a), the Secretary of State,
16 with the concurrence of the Secretary of Defense,
17 shall submit to the congressional committees speci-
18 fied in paragraph (2) a notification of—

19 (A) the name of the country with respect
20 to which the activity will be implemented; and

21 (B) the budget, implementation timeline
22 with milestones, and completion date for the ac-
23 tivity.

1 (2) SPECIFIED CONGRESSIONAL COMMIT-
2 TEES.—The congressional committees specified in
3 this paragraph are—

4 (A) the Committee on Armed Services, the
5 Committee on Foreign Relations, and the Com-
6 mittee on Appropriations of the Senate; and

7 (B) the Committee on Armed Services, the
8 Committee on Foreign Affairs, and the Com-
9 mittee on Appropriations of the House of Rep-
10 resentatives.

11 (h) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion shall be construed to constitute an authorization or
13 extension of any of the provisions of law described in sub-
14 section (d)

15 (i) TERMINATION OF PROGRAM.—The authority to
16 carry out the program authorized under subsection (a) ter-
17 minates at the close of September 30, 2015. An activity
18 under the program directed before that date may be com-
19 pleted after that date, but only using funds made available
20 for fiscal years 2012 through 2015.



**117. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LEE
OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10
MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MS. LEE OF CALIFORNIA**

At the end of subtitle B of title XII of division A
of the bill, add the following:

1 **SEC. 12xx. LIMITATION ON FUNDS TO ESTABLISH PERMA-**
2 **NENT MILITARY INSTALLATIONS OR BASES**
3 **IN IRAQ AND AFGHANISTAN.**

4 (a) NO PERMANENT MILITARY BASES IN IRAQ.—
5 None of the funds authorized to be appropriated by this
6 Act may be obligated or expended by the United States
7 Government to establish any military installation or base
8 for the purpose of providing for the permanent stationing
9 of United States Armed Forces in Iraq.

10 (b) NO PERMANENT MILITARY BASES IN AFGHANI-
11 STAN.—None of the funds authorized to be appropriated
12 by this Act may be obligated or expended by the United
13 States Government to establish any military installation
14 or base for the purpose of providing for the permanent
15 stationing of United States Armed Forces in Afghanistan.



118. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
LIPINSKI OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. LIPINSKI OF ILLINOIS**

Page 531, after line 2, insert the following:

1 **SEC. 1099C. SENSE OF CONGRESS REGARDING THE ESTAB-**
2 **LISHMENT OF A KOREAN WAR NATIONAL MU-**
3 **SEUM.**

4 (a) FINDINGS.—Congress makes the following find-
5 ings:

6 (1) The Korean War was fought between the
7 Republic of Korea, with the assistance of 16 dif-
8 ferent nations including the United States, and the
9 Democratic People's Republic of Korea and People's
10 Republic of China from June 1950 to July 1953.

11 (2) This conflict was prompted by the invasion
12 of the Republic of Korea by the communist Demo-
13 cratic People's Republic of Korea.

14 (3) 5,700,000 Americans served during the war
15 and 36,574 died in the conflict, making it the fifth
16 deadliest war in United States history.

17 (4) 133 Congressional Medals of Honor were
18 awarded for service during the conflict.

1 (5) The first integration of black and white
2 American members of the Armed Forces in combat
3 occurred during the Korean War.

4 (6) The first use of helicopters and the first air-
5 to-air combat between modern jets occurred during
6 the Korean War.

7 (7) There are currently an estimated 2,440,000
8 living American veterans of the Korean War.

9 (8) The United Nations deployed troops into
10 combat for the first time during the Korean War.

11 (9) The conflict marked the first armed strug-
12 gle between democracy and communism, as well as
13 the first time the advance of communism was halted.

14 (10) After the signing of the Armistice Agree-
15 ment on July 27, 1953, ending hostilities, there was
16 established the Demilitarized Zone, which has al-
17 lowed the Republic of Korea to grow into a dynamic
18 and stable democracy while situated on the border of
19 one of the least free countries in the modern world.

20 (11) An official national museum honoring the
21 conflict and all those who served does not currently
22 exist.

23 (b) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that—

1 (1) efforts to increase education and public
2 awareness of the Korean War and to honor and pro-
3 mote gratitude for those who served in the Korean
4 War should be encouraged;

5 (2) the people who have demonstrated leader-
6 ship and spearheaded the development of a museum
7 to promote awareness of the Korean War and honor
8 those who served in it should be commended; and

9 (3) a national museum, to be located in Chi-
10 cago, Illinois, should be established to—

11 (A) educate visitors on the service, sac-
12 rifices, and contributions of those who fought in
13 Korea;

14 (B) honor Korean War veterans;

15 (C) preserve the legacy and history of the
16 Korean War conflict; and

17 (D) celebrate the advances in democracy
18 and freedom made by the people of the Repub-
19 lic of Korea.



**119. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
LOBIONDO OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. LOBIONDO OF NEW JERSEY**

Page , after line , insert the following:

1 **SEC. 355. MODIFICATION OF REPORT ON SEAD/DEAD MIS-**
2 **SION REQUIREMENTS OF THE AIR FORCE.**

3 Section 334 of the Ike Skelton National Defense Au-
4 thorization Act for Fiscal Year 2011 (Public Law 111-
5 383; 124 Stat. 4188) is amended—

6 (1) in subsection (a)—

7 (A) by striking “120 days after the date of
8 the enactment of this Act” and inserting “Au-
9 gust 1, 2011”;

10 (B) by striking “designating” and insert-
11 ing “expanding the role of the Air National
12 Guard in conducting”; and

13 (C) by striking “as a responsibility of the
14 Air National Guard”; and

15 (2) in subsection (b)(2), by adding at the end
16 the following:

17 “(D) The capacity and capability of the
18 Air National Guard to assume an increased

- 1 level of the Department's SEAD/DEAD mission
- 2 responsibilities.”.



**120. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
LUETKEMEYER OF MISSOURI OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. LUETKEMEYER OF MISSOURI**

At the end of title V, add the following new section:

**1 SEC. 5___. REVIEW REGARDING AWARD OF MEDAL OF
2 HONOR TO JEWISH AMERICAN WORLD WAR I
3 VETERANS.**

4 (a) REVIEW REQUIRED.—The Secretary of the Army
5 and the Secretary of the Navy shall review the service
6 records of each Jewish American World War I veteran de-
7 scribed in subsection (b) to determine whether that vet-
8 eran should be posthumously awarded the Medal of
9 Honor.

10 (b) COVERED JEWISH AMERICAN WAR VETERANS.—
11 The Jewish American World War I veterans whose service
12 records are to be reviewed under subsection (a) are the
13 following:

14 (1) Any Jewish American World War I veteran
15 who was previously awarded the Distinguished Serv-
16 ice Cross, the Navy Cross, or other military decora-
17 tion for service during World War I.

18 (2) Any other Jewish American World War I
19 veteran whose name is submitted to the Secretary
20 concerned for such purpose by the Jewish War Vet-

1 erans of the United States of America before the
2 end of the one-year period beginning on the date of
3 the enactment of this Act.

4 (c) CONSULTATIONS.—In carrying out the review
5 under subsection (a), the Secretary concerned shall con-
6 sult with the Jewish War Veterans of the United States
7 of America and with such other veterans service organiza-
8 tions as the Secretary considers appropriate.

9 (d) RECOMMENDATION BASED ON REVIEW.—If the
10 Secretary concerned determines, based upon the review
11 under subsection (a) of the service records of any Jewish
12 American World War I veteran, that the award of the
13 Medal of Honor to that veteran is warranted, the Sec-
14 retary shall submit to the President a recommendation
15 that the President award the Medal of Honor post-
16 humously to that veteran.

17 (e) AUTHORITY TO AWARD MEDAL OF HONOR.—A
18 Medal of Honor may be awarded posthumously to a Jew-
19 ish American World War I veteran in accordance with a
20 recommendation of the Secretary concerned under sub-
21 section (a).

22 (f) WAIVER OF TIME LIMITATIONS.—An award of
23 the Medal of Honor may be made under subsection (e)
24 without regard to—

1 (1) section 3744, 6248, or 8744 of title 10,
2 United States Code; and

3 (2) any regulation or other administrative re-
4 striction on—

5 (A) the time for awarding the Medal of
6 Honor; or

7 (B) the awarding of the Medal of Honor
8 for service for which a Distinguished Service
9 Cross, Navy Cross, or other military decoration
10 has been awarded.

11 (g) DEFINITIONS.—In this section:

12 (1) The term “Jewish American World War I
13 veteran” means any person who served in the Armed
14 Forces during World War I and identified himself or
15 herself as Jewish on his or her military personnel
16 records.

17 (2) The term “Secretary concerned” means—

18 (A) the Secretary of the Army, in the case
19 of the Army; and

20 (B) the Secretary of the Navy, in the case
21 of the Navy and the Marine Corps.

22 (3) The term “World War I” means the period
23 beginning on April 6, 1917, and ending on Novem-
24 ber 11, 1918.



**121. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MALONEY OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR
10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MRS. MALONEY OF NEW YORK**

Beginning on page 513, line 17, strike section 1091
and insert the following:

1 **SEC. 1091. TREATMENT UNDER FREEDOM OF INFORMA-**
2 **TION ACT OF CERTAIN DEPARTMENT OF DE-**
3 **FENSE CRITICAL INFRASTRUCTURE SECU-**
4 **RITY INFORMATION.**

5 (a) IN GENERAL.—Chapter 3 of title 10, United
6 States Code, is amended by adding after section 130e, as
7 added by section 1055, the following new section:

8 **“§ 130f. Treatment under Freedom of Information Act**
9 **of critical infrastructure security infor-**
10 **mation**

11 “(a) EXEMPTION.—Department of Defense critical
12 infrastructure security information that, if disclosed, may
13 result in the disruption, degradation, or destruction of op-
14 erations, property, or facilities of the Department of De-
15 fense, shall be exempt from disclosure pursuant to section
16 552(b)(3) of title 5, if the Secretary of Defense determines
17 that the public interest consideration in the disclosure of
18 such information does not outweigh preventing the dislo-
19 sure of such information.

1 “(b) INFORMATION PROVIDED TO STATE AND LOCAL
2 GOVERNMENTS.—Department of Defense critical infra-
3 structure security information obtained by a State or local
4 government from a Federal agency shall remain under the
5 control of the Federal agency, and a State or local law
6 authorizing or requiring such a government to disclose in-
7 formation shall not apply to such critical infrastructure
8 security information.

9 “(c) DEPARTMENT OF DEFENSE CRITICAL INFRA-
10 STRUCTURE SECURITY INFORMATION DEFINED.—In this
11 section, the term ‘Department of Defense critical infra-
12 structure security information’ means sensitive but unclas-
13 sified information related to critical infrastructure infor-
14 mation owned or operated by or on behalf of the Depart-
15 ment of Defense that could substantially facilitate the ef-
16 fectiveness of an attack designed to destroy equipment,
17 create maximum casualties, or steal particularly sensitive
18 military weapons including information regarding the se-
19 curing and safeguarding of explosives, hazardous chemi-
20 cals, or pipelines.

21 “(d) REGULATIONS.—The Secretary of Defense shall
22 prescribe regulations to implement this section. Such regu-
23 lations shall ensure the consistent application of the ex-
24 emption in subsection (a) across the military departments
25 and that specifically identify officials in each military de-

1 partment who shall be delegated the Secretary's authority
2 under this section.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter is amended by adding
5 at the end the following new item:

“130f. Treatment under Freedom of Information Act of certain critical infra-
structure security information.”.



**122. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MCCOLLUM OF MINNESOTA OR HER DESIGNEE, DEBATABLE
FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MS. MCCOLLUM OF MINNESOTA**

At the end of subtitle J of title V of Division A, add
the following new section:

1 SEC. 598. LIMITATION ON MILITARY MUSICAL UNITS.

2 Amounts appropriated pursuant to the authorization
3 of appropriations in this Act for military musical units (as
4 defined in section 974 of title 10, United States Code)
5 may not exceed \$200,000,000.



**123. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MILLER OF MICHIGAN OR HER DESIGNEE, DEBATABLE FOR 10
MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MRS. MILLER OF MICHIGAN**

At the end of title X, add the following:

1 **SEC. ____ . INTERAGENCY COLLABORATION.**

2 The Assistant Secretary of Defense for Research and
3 Engineering shall collaborate with the Under Secretary for
4 Science and Technology of the Department of Homeland
5 Security to identify equipment and technology used by the
6 Department of Defense that could be used by U.S. Cus-
7 toms and Border Protection to improve the security of the
8 international borders between the United States and Mex-
9 ico, and the United States and Canada, by—

- 10 (1) detecting anomalies such as tunnels and
11 breaches in perimeter security;
12 (2) detecting the use of unauthorized vehicles;
13 (3) enhancing wide-area surveillance;
14 (4) using autonomous vehicles for security; and
15 (5) otherwise improving the enforcement of
16 such borders.



124. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MORAN OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. MORAN OF VIRGINIA**

At the end of title XXVII, add the following new
section:

1 **SEC. 2707. LIMITATION ON BRAC 133 PROJECT IMPLEMEN-**
2 **TATION.**

3 The Secretary of Defense may not use more than
4 1,000 parking spaces provided by the combination of
5 spaces provided by the BRAC 133 project and the lease
6 of spaces in the immediate vicinity of the BRAC 133
7 project until both of the following occur:

8 (1) The Secretary of Defense documents either
9 a Record of Environmental Consideration or a Sup-
10 plemental Environment Assessment for the finding
11 in the 2008 BRAC 133 Environmental Assessment
12 of no significant impact.

13 (2) The Secretary of Defense certifies that all
14 defense access road-certified mitigation projects re-
15 lated to the BRAC 133 project have been con-
16 structed.



125. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MURPHY OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. MURPHY OF PENNSYLVANIA**

At the end of subtitle G of title VI (page 319, after line 3), add the following new section:

**1 SEC. 662. REPORT ON INCENTIVES FOR RECRUITMENT AND
2 RETENTION OF HEALTH CARE PROFES-
3 SIONALS FOR RESERVE COMPONENTS.**

4 Not later than 90 days after the date of the enact-
5 ment of this Act, the Surgeons General of the Army, Navy,
6 and Air Force shall submit to Congress a report on their
7 staffing needs for health care professionals in the active
8 and reserve components of the Armed Forces. Such report
9 shall—

10 (1) identify the positions in most critical need
11 for additional health care professionals, including—

12 (A) the number of physicians needed; and

13 (B) whether additional behavioral health
14 professionals are needed to treat members of
15 the Armed Forces for post traumatic stress dis-
16 order and traumatic brain injury; and

17 (2) recommend incentives for healthcare profes-
18 sionals with more than 20 years of clinical experi-
19 ence to join the active or reserve components, includ-

- 1 ing changes in age or length of service requirements
- 2 to qualify for partial retired pay for non-regular
- 3 service.



126. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MURPHY OF CONNECTICUT OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. MURPHY OF CONNECTICUT**

At the end of subtitle E of title VIII, add the following new section:

1 **SEC. 845. ADDITIONAL INFORMATION ON WAIVERS UNDER**
2 **THE BUY AMERICAN ACT BY DEPARTMENT**
3 **OF DEFENSE REQUIRED TO BE INCLUDED IN**
4 **ANNUAL REPORT.**

5 Section 812 of the National Defense Authorization
6 Act for Fiscal Year 2004 (Public Law 108-136; 10 U.S.C.
7 2501 note) is amended in subsection (c)(2)(A) by striking
8 clause (vi) and inserting the following:

9 “(vi) An itemized list of all waivers
10 granted with respect to such articles, mate-
11 rials, or supplies under chapter 83 of title
12 41 (commonly referred to as the Buy
13 American Act), including—

14 “(I) an analysis of the domestic
15 capacity to supply the articles, mate-
16 rials, or supplies; and

17 “(II) an analysis of the reasons
18 for an increase or decrease in the

1 number of waivers granted from fiscal
2 year to fiscal year.”.



127. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
NUGENT OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. NUGENT OF FLORIDA**

At end of subtitle C of title V, add the following new
section:

1 **SEC. 527. RETROACTIVE AWARD OF ARMY COMBAT ACTION**
2 **BADGE.**

3 (a) **AUTHORITY TO AWARD.**—The Secretary of the
4 Army may award the Army Combat Action Badge (estab-
5 lished by order of the Secretary of the Army through
6 Headquarters, Department of the Army Letter 600-05-1,
7 dated June 3, 2005) to a person who, while a member
8 of the Army, participated in combat during which the per-
9 son personally engaged, or was personally engaged by, the
10 enemy at any time during the period beginning on Decem-
11 ber 7, 1941, and ending on September 18, 2001 (the date
12 of the otherwise applicable limitation on retroactivity for
13 the award of such decoration), if the Secretary determines
14 that the person has not been previously recognized in an
15 appropriate manner for such participation.

16 (b) **PROCUREMENT OF BADGE.**—The Secretary of
17 the Army may make arrangements with suppliers of the
18 Army Combat Action Badge so that eligible recipients of
19 the Army Combat Action Badge pursuant to subsection

- 1 (a) may procure the badge directly from suppliers, thereby
- 2 eliminating or at least substantially reducing administra-
- 3 tive costs for the Army to carry out this section.



128. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
PEARCE OF NEW MEXICO OR HIS DESIGNEE, DEBATABLE FOR
10 MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. PEARCE OF NEW MEXICO**

At the end of title VIII, add the following new section:

1 SEC. 845. ASSESSMENT OF DEPARTMENT OF DEFENSE CON-
2 TRACTING ACTIONS AND THE IMPACT ON
3 SMALL BUSINESSES.

4 (a) ASSESSMENT REQUIRED.—The Inspector General
5 of the Department of Defense shall conduct an assessment
6 of consolidated contracting actions of the Department of
7 Defense relating to base services and construction activi-
8 ties from October 2009 through October 2011 to ensure
9 the Department's compliance with the provisions of the
10 Small Business Jobs Act of 2010 (Public Law 111-240).
11 The assessment shall, at a minimum, examine—

12 (1) compliance with the Small Business Jobs
13 Act of 2010 (Public Law 111-240), the Small Busi-
14 ness Reauthorization Act of 1997 (Public Law 105-
15 135), the National Defense Authorization Act for
16 Fiscal Year 2004 (Public Law 108-136) and all rel-
17 evant provisions in the Federal Acquisition Regula-
18 tion and the Defense Federal Acquisition Regulation
19 Supplement;

- 1 (2) justification for contract consolidation;
- 2 (3) scope of services provided by category, con-
- 3 tract award ceiling, and period of performance;
- 4 (4) identification of any shortages in trained ac-
- 5 quisition personnel that may have contributed to a
- 6 determination to consolidate contracting actions;
- 7 (5) potential for alternative contracting ap-
- 8 proaches that would increase small business partici-
- 9 pation;
- 10 (6) any negative impact by such contract con-
- 11 solidations on contracting with small business con-
- 12 cerns; and
- 13 (7) recommendations to improve or enhance
- 14 Department of Defense policy, guidance, or execu-
- 15 tion of contracting actions to ensure compliance with
- 16 the Small Business Jobs Act of 2010.
- 17 (b) BRIEFING.—The Inspector General shall brief the
- 18 congressional defense committees on the findings of the
- 19 assessment required under subsection (a) not later than
- 20 April 1, 2012.



129. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
POMPEO OF KANSAS OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES



**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. POMPEO OF KANSAS**

At the end of title V, add the following new section:

**1 SEC. 5__ . AUTHORIZATION AND REQUEST FOR AWARD OF
2 MEDAL OF HONOR TO EMIL KAPAUN FOR
3 ACTS OF VALOR DURING THE KOREAN WAR.**

4 (a) AUTHORIZATION.—Notwithstanding the time lim-
5 itations specified in section 3744 of title 10, United States
6 Code, or any other time limitation with respect to the
7 awarding of certain medals to persons who served in the
8 Armed Forces, the President is authorized and requested
9 to award the Medal of Honor posthumously under section
10 3741 of such title to Emil Kapaun for the acts of valor
11 during the Korean War described in subsection (b).

12 (b) ACTS OF VALOR DESCRIBED.—The acts of valor
13 referred to in subsection (a) are the actions of then Cap-
14 tain Emil Kapaun as a member of the 8th Cavalry Regi-
15 ment during the Battle of Unsan on November 1 and 2,
16 1950, and while a prisoner of war until his death on May
17 23, 1951, during the Korean War.



130. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
POMPEO OF KANSAS OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

Mike Pompeo

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. POMPEO OF KANSAS**

At the end of subtitle C of title V, add the following
new section:

1 **SEC. 5 ____ . NOTIFICATION REQUIREMENT FOR DETERMINA-**
2 **TION MADE IN RESPONSE TO REVIEW OF**
3 **PROPOSAL FOR AWARD OF MEDAL OF HONOR**
4 **NOT PREVIOUSLY SUBMITTED IN TIMELY**
5 **FASHION.**

6 Section 1130(b) of title 10, United States Code, is
7 amended by adding at the end the following new sentence:
8 "If the determination includes a favorable recommenda-
9 tion for the award of the Medal of Honor, the Secretary
10 of Defense, instead of the Secretary concerned, shall make
11 the submission under this subsection."



131. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE REED
OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. REED OF NEW YORK**

At the end of title X of division A, insert the following:

**1 SEC. 1099C. DESIGNATION OF "TAPS" AS NATIONAL SONG
2 OF REMEMBRANCE.**

3 (a) DESIGNATION.—Chapter 3 of title 36, United
4 States Code, is amended by adding at the end the following new section:

6 "§ 306. National Song of Remembrance

7 "(a) DESIGNATION.—The bugle call commonly
8 known as 'Taps', consisting of 24 notes sounded on a
9 bugle or trumpet performed by a solo bugler or trumpeter
10 without accompaniment or embellishment, is the National
11 Song of Remembrance.

12 "(b) CONDUCT DURING SOUNDING.—

13 "(1) IN GENERAL.—During a performance of
14 'Taps' at a military funeral, memorial service, or
15 wreath laying—

16 "(A) all present, except persons in uniform, should stand at attention with the right
17 hand over the heart;
18

1 “(B) men not in uniform should remove
2 their headdress with their right hand and hold
3 the headdress at the left shoulder, the hand
4 being over the heart; and

5 “(C) persons in uniform should stand at
6 attention and give the military salute at the
7 first note of ‘Taps’ and maintain that position
8 until the last note.

9 “(2) EXCEPTION.—Paragraph (1) shall not
10 apply when ‘Taps’ is sounded as the final bugle call
11 of the day at a military base.

12 “(c) DEFINITION OF MILITARY BASE.—In this sec-
13 tion, the term ‘military base’ means a base, camp, post,
14 station, yard, center, homeport facility for any ship, or
15 other activity under the jurisdiction of the Department of
16 Defense, including any leased facility.”.

17 (b) CONFORMING AND CLERICAL AMENDMENTS.—

18 (1) CHAPTER HEADING.—The heading of chap-
19 ter 3 of title 36, United States Code, is amended to
20 read as follows:

21 **“CHAPTER 3—NATIONAL ANTHEM, MOTTO,**
22 **AND OTHER NATIONAL DESIGNATIONS”.**

23 (2) TABLE OF CHAPTERS.—The item relating
24 to chapter 3 in the table of chapters for such title
25 is amended to read as follows:

 “3. National Anthem, Motto, and Other National Designations 301”.

- 1 (3) TABLE OF SECTIONS.—The table of sections
- 2 at the beginning of such chapter is amended by add-
- 3 ing at the end the following new item:

“306. National Song of Remembrance.”.

Amend the table of contents in section 2(b) by inserting after the item relating to section 1099B the following new item:

Sec. 1099C. Designation of “Taps” as National Song of Remembrance.



132. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
RICHARDSON OF CALIFORNIA OR HER DESIGNEE, DEBATABLE
FOR 10 MINUTES

10R

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MS. RICHARDSON OF CALIFORNIA**

Page 531, after line 2, insert the following:

1 **SEC. 1099C. SENSE OF CONGRESS REGARDING UNITED**
2 **STATES NORTHERN COMMAND PREPARED-**
3 **NESS.**

4 It is the sense of the Congress that—

5 (1) the United States Northern Command plays
6 a crucial role in providing additional response capa-
7 bility to State and local governments in domestic
8 disaster relief and consequence management oper-
9 ations;

10 (2) the United States Northern Command must
11 continue to build upon its current efforts to develop
12 command strategies, leadership training, and re-
13 sponse plans to effectively work with civil authorities
14 when acting as the lead agency or a supporting
15 agency; and

16 (3) the United States Northern Command
17 should leverage whenever possible training and man-
18 agement expertise that resides within the Depart-
19 ment of Defense, other Federal agencies, State and

1 local governments, and private sector businesses and
2 academic institutions to enhance—

3 (A) its Defense Support to Civil Authori-
4 ties and incidence management missions;

5 (B) relationships with other entities in-
6 volved in disaster response; and

7 (C) its ability to respond to unforeseen
8 events.



133. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
RIGELL OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. RIGELL OF VIRGINIA**

Page 377, after line 7, insert the following:

1 **SEC. 845. DEPARTMENT OF DEFENSE OPERATIONAL CON-**
2 **TRACT SUPPORT PLAN.**

3 The Secretary of Defense shall develop and imple-
4 ment a plan to address shortfalls in operational contract
5 support requirements determination, management, over-
6 sight, and administration. The plan shall include each of
7 the following:

8 (1) The provision of operational contract sup-
9 port training and information-sharing roadmaps, in-
10 cluding a description of the roles and responsibilities
11 of the Office of the Secretary of Defense, the Joint
12 Staff, the military departments, and defense agen-
13 cies.

14 (2) The identification and development of train-
15 ing venues to incorporate appropriate operational
16 contract support training and education for all oper-
17 ational contract support functions in both acquisi-
18 tion and non-acquisition roles.

1 (3) The integration of operational contract sup-
2 port into Department of Defense exercises and ex-
3 periments.

4 (4) Updating and aligning Department of De-
5 fense policy, doctrine, joint capability area defini-
6 tions, corresponding universal joint task lists, and
7 agreements to address shortfalls as discrepancies in
8 areas of operational contract support.

9 (5) A method of ensuring that sufficient capac-
10 ity and capability to conduct operational contract
11 support missions is addressed in the total workforce
12 plan required by section 129a of title 10, United
13 States Code, as amended by this Act.



134. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
RUNYAN OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR
10 MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. RUNYAN OF NEW JERSEY**

Page 364, after line 2, insert the following:

1 **SEC. 825. COMPETITION AND REVIEW OF CONTRACTS FOR**
2 **PROPERTY OR SERVICES IN SUPPORT OF A**
3 **CONTINGENCY OPERATION.**

4 (a) **CONTRACTING GOALS.**—Not later than 90 days
5 after the date of the enactment of this Act, the Secretary
6 of Defense shall—

7 (1) establish goals for competition in contracts
8 awarded by the Secretary of Defense for the pro-
9 curement of property or services to be used outside
10 the United States in support of a contingency oper-
11 ation; and

12 (2) shall develop processes by which to measure
13 and monitor such competition, including in task-
14 order categories for services, construction, and sup-
15 plies.

16 (b) **ANNUAL REVIEW OF CERTAIN CONTRACTS.**—

17 (1) **REVIEW REQUIRED.**—For each year the Lo-
18 gistics Civil Augmentation Program contract, or
19 other similar omnibus contract awarded by the Sec-
20 retary of Defense for the procurement of property or

1 services to be used outside the United States in sup-
2 port of a contingency operation, is in force, the Sec-
3 retary shall require a competition advocate of the
4 Department of Defense to conduct an annual review
5 of each such contract.

6 (2) COMPETITIVE AWARDS.—Based on the find-
7 ings of a review conducted under paragraph (1), the
8 Secretary shall identify subcontracts that may rea-
9 sonably be treated as prime contract for purpose of
10 a competition and take such steps as may be nec-
11 essary to establish a competitive award basis for
12 such a contract in a timely manner.

13 (c) ANNUAL REPORT ON CONTRACTING IN IRAQ AND
14 AFGHANISTAN.— Section 863(a)(2) of the National De-
15 fense Authorization Act for Fiscal Year 2008 (110–181;
16 10 U.S.C. 2302 note) is amended—

17 (1) by redesignating subparagraphs (F)
18 through (H) as subparagraphs (H) through (J), re-
19 spectively; and

20 (2) by inserting after subparagraph (E) the fol-
21 lowing new subparagraphs:

22 “(F) Percentage of contracts awarded on a
23 competitive basis as compared to established
24 goals for competition in contingency contracting
25 actions.

1 “(G) Justification for any non-competi-
2 tively awarded contingency contracts that are
3 not otherwise deemed to be not suitable for
4 competition”.



135. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
SANCHEZ OF CALIFORNIA OR HER DESIGNEE, DEBATABLE
FOR 10 MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MS. LORETTA SANCHEZ OF
CALIFORNIA**

Page 825, after line 2, insert the following:

1 **SEC. 3114. ADDITIONAL BUDGET ITEM RELATING TO GLOB-**
2 **AL THREAT REDUCTION INITIATIVE.**

3 (a) FUNDING INCREASE AND OFFSETTING REDUC-
4 TION.—Notwithstanding the amounts set forth in the
5 funding tables in division D—

6 (1) the amount authorized to be appropriated in
7 section 3101 for defense nuclear nonproliferation, as
8 specified in the corresponding funding table in divi-
9 sion D, is hereby increased by \$20,000,000, with the
10 amount of the increase allocated to the global threat
11 reduction initiative as set forth in the table under
12 section 4701; and

13 (2) the amount authorized to be appropriated in
14 section 201 for research, development, test, and
15 evaluation, Army, as specified in the corresponding
16 funding table in division D, is hereby reduced by
17 \$20,000,000, with the amount of the reduction to be
18 derived from the Aerostat Joint Project Office as set
19 forth in the table under section 4201.

1 (b) MERIT-BASED OR COMPETITIVE DECISIONS.—A
2 decision to commit, obligate, or expend funds referred to
3 in subsection (a)(1) with or to a specific entity shall—
4 (1) be based on merit-based selection proce-
5 dures in accordance with the requirements of sec-
6 tions 2304(k) and 2374 of title 10, United States
7 Code, or on competitive procedures; and
8 (2) comply with other applicable provisions of
9 law.



136. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
SHUSTER OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

AMENDMENT TO H.R. 1540, AS REPORTED

OFFERED BY MR. SHUSTER OF PENNSYLVANIA

At the end of subtitle A of title XII of division A of the bill, add the following:

1 **SEC. 12xx. THREE-YEAR EXTENSION OF TEMPORARY AU-**
 2 **THORITY TO USE ACQUISITION AND CROSS-**
 3 **SERVICING AGREEMENTS TO LEND MILITARY**
 4 **EQUIPMENT FOR PERSONNEL PROTECTION**
 5 **AND SURVIVABILITY.**

6 (a) **AUTHORITY.**—Subsection (a) of section 1202 of
 7 the John Warner National Defense Authorization Act for
 8 Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2412),
 9 as amended by section 1203(a) of the Ike Skelton Na-
 10 tional Defense Authorization Act for Fiscal Year 2011
 11 (Public Law 111–383; 124 Stat. 4386), is further amend-
 12 ed—

13 (1) in paragraph (1), by striking “Iraq or”; and

14 (2) in paragraph (3)—

15 (A) in subparagraph (A), by striking “Iraq
 16 or”; and

17 (B) in subparagraph (C), by striking
 18 “Iraq, Afghanistan, or” and inserting “Afghani-
 19 stan or”.

1 (b) EXPIRATION.—Subsection (e) of such section, as
2 amended by section 1204(b) of the Duncan Hunter Na-
3 tional Defense Authorization Act for Fiscal Year 2009
4 (Public Law 110–417; 122 Stat. 4623), is further amend-
5 ed by striking “September 30, 2011” and inserting “Sep-
6 tember 30, 2014”.



**137. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
SANCHEZ OF CALIFORNIA OR HER DESIGNEE, DEBATABLE
FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY Ms. LORETTA SANCHEZ OF
CALIFORNIA**

Page 594, after line 21, insert the following:

1 SEC. 1231. REPORT ON RUSSIAN NUCLEAR FORCES.

2 (a) REPORT.—Not later than March 1, 2012, the
3 Secretary of Defense, in coordination with the Director of
4 National Intelligence, shall submit to the appropriate con-
5 gressional committees a report on the nuclear forces of
6 the Russian Federation and the New START Treaty (as
7 defined in section 1229(d)).

8 (b) MATTERS INCLUDED.—The report under section
9 (a) shall include an assessment of the following:

10 (1) The assessed number of nuclear forces by
11 category of nuclear warheads and delivery vehicles
12 relative to New START levels by 2017 and by 2022,
13 including potential shifts of such numbers during
14 such periods.

15 (2) Options with respect to the size and com-
16 position of Russian nuclear forces that Russia is
17 considering, including decreases below the New
18 START levels and plans for maintaining New
19 START levels, including options related to devel-

1 oping and deploying a new heavy intercontinental
2 ballistic missile and multiple independently target-
3 able reentry vehicle capability.

4 (3) Factors that are likely to influence the
5 number and composition of Russian nuclear forces.

6 (4) Effects of shifts in the number and com-
7 position of Russian nuclear forces on strategic sta-
8 bility.

9 (c) FORM.—The report required by subsection (a)
10 shall be submitted in unclassified form, but may include
11 classified annex.

12 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
13 DEFINED.—In this section, the term “appropriate con-
14 gressional committees” means—

15 (1) the congressional defense committees;

16 (2) the Committee on Foreign Affairs of the
17 House of Representatives and the Committee on
18 Foreign Relations of the Senate; and

19 (3) the Permanent Select Committee on Intel-
20 ligence of the House of Representatives and the Se-
21 lect Committee on Intelligence of the Senate.



138. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
SANCHEZ OF CALIFORNIA OR HER DESIGNEE, DEBATABLE
FOR 10 MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MS. LORETTA SANCHEZ OF
CALIFORNIA**

Page 835, after line 18, insert the following:

1 **SEC. 3202. ADDITIONAL FUNDING FOR DEFENSE NUCLEAR**
2 **FACILITIES SAFETY BOARD.**

3 (a) **FUNDING INCREASE.**—The amount set forth in
4 section 3201 for the operation of the Defense Nuclear Fa-
5 cilities Safety Board is hereby increased by \$2,500,000.
6 (b) **OFFSETTING REDUCTION.**—Notwithstanding the
7 amounts set forth in the funding tables in division D, the
8 amount authorized to be appropriated in section 101 for
9 other procurement, Army, as specified in the cor-
10 responding funding table in division D, is hereby reduced
11 by \$2,500,000, with the amount of the reduction to be
12 derived from Joint Tactical Radio System Maritime-Fixed
13 radios under Line 039 Joint Tactical Radio System as set
14 forth in the table under section 4101.



139. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SMITH
OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. SMITH OF WASHINGTON**

At the end of subtitle D of title X, insert the following:

**1 SEC. 1043. NATIONAL SECURITY PLANNING GUIDANCE TO
2 DENY SAFE HAVENS TO AL-QAEDA AND ITS
3 VIOLENT EXTREMIST AFFILIATES.**

4 (a) PURPOSE AND FINDINGS.—

5 (1) PURPOSE.—The purpose of this section is
6 to improve interagency strategic planning and execu-
7 tion to more effectively integrate efforts to deny safe
8 havens and strengthen at-risk states to further the
9 goals of the National Security Strategy related to
10 the disruption, dismantlement, and defeat of al-
11 Qaeda and its violent extremist affiliates.

12 (2) FINDINGS.—Congress makes the following
13 findings:

14 (A) In Iraq, Afghanistan, and other areas
15 where stabilization operations are carried out,
16 the lack of an integrated, coordinated planning
17 effort in which the goals, objectives, and prior-
18 ities of the United States effort and the roles
19 and missions of the various agencies of the

1 United States were clearly delineated has ham-
2 pered the efforts of the United States in such
3 operations and may have contributed to in-
4 creased costs in funding, time, effort, and other
5 terms.

6 (B) The fight against al-Qaeda and its vio-
7 lent extremist affiliates, and the threat to the
8 United States by transnational terrorism, will
9 continue for the foreseeable future.

10 (C) A key component of success in the
11 struggle against al-Qaeda and its violent ex-
12 tremist affiliates is the ability to deny safe ha-
13 vens to al-Qaeda, its violent extremist affiliates,
14 and other violent extremist organizations, and
15 United States national security interests will
16 sometimes require the United States to assist in
17 building the capabilities of other countries and
18 entities to deny such violent extremist organiza-
19 tions safe havens and to participate in regional
20 efforts to deny such violent extremist organiza-
21 tions safe havens.

22 (b) NATIONAL SECURITY PLANNING GUIDANCE.—

23 (1) GUIDANCE REQUIRED.—The President shall
24 issue classified or unclassified national security plan-
25 ning guidance in support of objectives stated in the

1 national security strategy report submitted to Con-
2 gress by the President pursuant to section 108 of
3 the National Security Act of 1947 (50 U.S.C. 404a)
4 to deny safe havens to al-Qaeda and its violent ex-
5 tremist affiliates and to strengthen at-risk states.
6 Such guidance shall serve as the strategic plan that
7 governs United States and coordinated international
8 efforts to enhance the capacity of governmental and
9 nongovernmental entities to work toward the goal of
10 eliminating the ability of al-Qaeda and its violent ex-
11 tremist affiliates to establish or maintain safe ha-
12 vens.

13 (2) CONTENTS OF GUIDANCE.—The guidance
14 required under paragraph (1) shall include each of
15 the following:

16 (A) A prioritized list of specified geo-
17 graphic areas that the President determines are
18 necessary to address and an explicit discussion
19 and list of the criteria or rationale used to
20 prioritize the areas on the list, including a dis-
21 cussion of the conditions that would hamper the
22 ability of the United States to strengthen at-
23 risk states or other entities in such areas.

24 (B) For each specified geographic area, a
25 description, analysis, and discussion of the core

1 problems and contributing issues that allow or
2 could allow al-Qaeda and its violent extremist
3 affiliates to use the area as a safe haven from
4 which to plan and launch attacks, engage in
5 propaganda, or raise funds and other support,
6 including any ongoing or potential
7 radicalization of the population, or to use the
8 area as a key transit route for personnel, weap-
9 ons, funding, or other support.

10 (C) A list of short-term, mid-term, and
11 long-term goals for each specified geographic
12 area, prioritized by importance.

13 (D) A description of the role and mission
14 of each Federal department and agency in-
15 volved in executing the guidance, including the
16 Departments of Defense, Justice, Treasury, and
17 State and the Agency for International Devel-
18 opment.

19 (E) A description of gaps in United States
20 capabilities to meet the goals listed pursuant to
21 subparagraph (C), and the extent to which
22 those gaps can be met through coordination
23 with nongovernmental, international, or private
24 sector organizations, entities, or companies.

1 (3) REVIEW AND UPDATE OF GUIDANCE.—The
2 President shall review and update the guidance re-
3 quired under paragraph (1) as necessary. Any such
4 review shall address each of the following:

5 (A) The overall progress made toward
6 achieving the goals listed pursuant to para-
7 graph (2)(C), including an overall assessment of
8 the progress in denying a safe haven to al-
9 Qaeda and its violent extremist affiliates.

10 (B) The performance of each Federal de-
11 partment and agency involved in executing the
12 guidance.

13 (C) The performance of the unified coun-
14 try team and appropriate combatant command,
15 or in the case of a cross-border effort, country
16 teams in the area and the appropriate combat-
17 ant command.

18 (D) Any addition to, deletion from, or
19 change in the order of the prioritized list main-
20 tained pursuant to paragraph (2)(A).

21 (4) SPECIFIED GEOGRAPHIC AREA DEFINED.—
22 In this subsection, the term “specified geographic
23 area” means any country, subnational territory, or
24 region—

1 (Δ) that serves or may potentially serve as
2 a safe haven for al-Qaeda or a violent extremist
3 affiliate of al-Qaeda—

4 (i) from which to plan and launch at-
5 tacks, engage in propaganda, or raise
6 funds and other support; or

7 (ii) for use as a key transit route for
8 personnel, weapons, funding, or other sup-
9 port; and

10 (B) over which one or more governments
11 or entities exert insufficient governmental or se-
12 curity control to deny al-Qaeda and its violent
13 extremist affiliates the ability to establish a
14 large scale presence.

15 (5) SUBMITTAL TO CONGRESS.—Not later than
16 15 days after the President issues the guidance re-
17 quired under paragraph (1) or reviews or updates
18 such guidance under paragraph (3), the President
19 shall submit to the Committees on Armed Services
20 and Foreign Affairs of the House of Representatives
21 and the Committees on Armed Services and Foreign
22 Relations of the Senate a copy of such guidance.

23 (c) IMPLEMENTATION.—

24 (1) MEMORANDUM OF UNDERSTANDING RE-
25 QUIRED.—The head of each agency listed in the na-

1 tional security planning guidance required under
2 subsection (b) shall enter into a memorandum of un-
3 derstanding regarding matters related to the imple-
4 mentation of such guidance.

5 (2) MATTERS COVERED.— The memorandum of
6 understanding required by paragraph (1) shall in-
7 clude each of the following:

8 (A) An identification of the positions sup-
9 plied by each department or agency to country
10 teams or teams and the appropriate combatant
11 command in each specified geographic area that
12 are critical for carrying out the national secu-
13 rity planning guidance.

14 (B) The criteria used by each department
15 or agency for the selection of appropriate per-
16 sonnel to fill the positions identified as critical
17 pursuant to subparagraph (A), including the
18 manner of soliciting the input from other de-
19 partments and agencies regarding appropriate
20 personnel and expertise.

21 (C) The manner in which performance in
22 furtherance of the national security planning
23 guidance shall be considered in evaluating the
24 performance of personnel designated to fill the
25 positions identified as critical pursuant to sub-

1 paragraph (A), including the consideration of
2 input from personnel from other departments
3 and agencies who filled senior positions on the
4 country team or relevant combatant command,
5 in particular the appropriate United States am-
6 bassador.

7 (D) The manner for implementing lessons
8 learned in the course of reviewing the perform-
9 ance of a country team or multiple country
10 teams and relevant combatant command in the
11 course of reviewing the national security plan-
12 ning guidance under subsection (b)(3).

13 (E) The manner in which disputes related
14 to carrying out the national security planning
15 guidance between members of the country team,
16 the relevant combatant command, or depart-
17 ments and agencies shall be handled.

18 (3) IMPLEMENTATION OF MEMORANDUM OF
19 UNDERSTANDING.— Not later than 120 days after
20 the memorandum of understanding required by
21 paragraph (1) is signed, the heads of those depart-
22 ments and agencies listed in the national security
23 planning guidance shall issue such policies and guid-
24 ance and prescribe such regulations as are necessary
25 to implement the memorandum of understanding for

1 the relevant matters pertaining to their respective
2 departments and agencies.

3 (4) UPDATE AND REVIEW.—The memorandum
4 of understanding as required under paragraph (1)
5 shall be updated and reviewed as necessary, but at
6 a minimum shall be reviewed with each review of the
7 national security planning guidance under subsection
8 (b)(3).



140. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SMITH
OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

AMENDMENT TO H.R. 1540, AS REPORTED**OFFERED BY MR. SMITH OF WASHINGTON**

Page 345, after line 8, insert the following:

1 **SEC. 731. REPORT ON RESEARCH AND TREATMENT OF**
2 **POST-TRAUMATIC STRESS DISORDER.**

3 (a) **FINDINGS.**—Congress finds the following:

4 (1) The high-incidence rate of neurological
5 trauma in members of the Armed Forces needs to
6 be addressed.

7 (2) Critical research using neuroimaging that is
8 concentrated on post-traumatic stress disorder offers
9 great hope in identifying conditions allowing for a
10 separate and distinct classification of post-traumatic
11 stress disorder.

12 (3) The Telemedicine and Advanced Technology
13 Research Center within the Army Medical Research
14 and Materiel Command has engaged the National
15 Resources for Neuroscience and Neuroimaging to
16 develop collaborative and inter-agency research link-
17 ing the Department of Defense and the Department
18 of Veterans Affairs with appropriate and established
19 university-affiliated partnerships.

1 (b) REPORT.—Not later than one year after the date
2 of the enactment of this Act, the Secretary of Defense
3 shall submit to the congressional defense committees a re-
4 port assessing the benefits of neuroimaging research in an
5 effort to identify and increase the diagnostic properties of
6 post-traumatic stress disorder.



141. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
THOMPSON OF PENNSYLVANIA OR HIS DESIGNEE,
DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. THOMPSON OF PENNSYLVANIA**

Page 332, after line 24, insert the following:

1 **SEC. 713. EXPANSION OF STATE LICENSURE EXCEPTION**
2 **FOR CERTAIN HEALTH CARE PROFES-**
3 **SIONALS.**

4 (a) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that—

6 (1) the Secretary of Defense and the Secretary
7 of Veterans Affairs need to renew and improve ef-
8 forts to reach out to rural America, which has less
9 access to care;

10 (2) behavioral health services for active duty
11 members of the Armed Forces, members of the re-
12 serve components, members of the National Guard,
13 and veterans need to be more easily and readily ac-
14 cessible; and

15 (3) medical records and records of deployment
16 need a “warm transition” and better collaboration
17 between the Department of Defense and the Depart-
18 ment of Veterans Affairs.

19 (b) EXPANSION.—Section 1094(d) of title 10, United
20 States Code, is amended—

1 (1) in paragraph (1)—

2 (A) by inserting “at any location” before
3 “in any State”; and

4 (B) by striking “regardless” and all that
5 follows through the end and inserting “regard-
6 less of where such health-care professional or
7 the patient are located, so long as the practice
8 is within the scope of the authorized Federal
9 duties.”; and

10 (2) in paragraph (2), by striking “member of
11 the armed forces” and inserting “member of the
12 armed forces, civilian employee of the Department of
13 Defense, personal services contractor under section
14 1091 of this title, or other health-care professional
15 credentialed and privileged at a Federal health care
16 institution or location specially designated by the
17 Secretary for this purpose”.

18 (c) REPORTS.—Not later than 90 days after the date
19 of the enactment of this Act, the Secretary of Defense,
20 in coordination with the Secretary of Veterans Affairs,
21 shall submit to Congress separate reports on each of the
22 following:

23 (1) The plans to develop and expand programs
24 to use new Internet and communication technologies
25 for improved access to care and resources, including

1 telemedicine, telehealth care services, and telebehav-
2 ioral health programs that ensure patient privacy.

3 (2) Any plans to improve the transition of
4 health and battlefield deployment records to better
5 assist and care for veterans.

6 (d) REGULATIONS.—The Secretary of Defense shall
7 prescribe regulations to carry out the amendments made
8 by this section.



142. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
THORNBERRY OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR
10 MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. THORNBERRY OF TEXAS**

Page 429, after line 13, insert the following:

1 **SEC. 965. CLARIFICATION OF STATUS OF PARTICIPANTS OF**
2 **DEFENSE INDUSTRIAL BASE ACTIVE CYBER**
3 **DEFENSE PILOT PROJECT.**

4 Notwithstanding any other provision of law, any non-
5 Government entity or personnel participating in the 90-
6 day Defense Industrial Base Active Cyber Defense pilot
7 project shall not be considered an agent of any local or
8 State government or the Federal Government by reason
9 of such participation.



143. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
TIERNEY OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. TIERNEY OF MASSACHUSETTS**

At the end of subtitle I of title X, add the following
new section:

1 **SEC. 1099C. REPORT ON THE MANUFACTURING POLICY OF**
2 **THE UNITED STATES.**

3 (a) FINDINGS.—Congress finds the following:

4 (1) For many years, manufacturing has been
5 the backbone of the United States economy, leading
6 to good jobs, technological innovation, and the pro-
7 duction of high quality commodities.

8 (2) In addition, the superiority of the United
9 States manufacturing industry ensured a reliable
10 supply of raw and finished goods to support the de-
11 fense and security operations of the United States
12 Government.

13 (3) Over the past few decades, the manufac-
14 turing industry of the United States and the jobs as-
15 sociated with it have suffered a dramatic decline as
16 manufacturing processes have been outsourced to
17 foreign nations.

18 (4) This decrease in domestic manufacturing
19 capability has forced the Department of Defense to

1 acquire supplies and materials necessary for the na-
2 tional defense from foreign companies and govern-
3 ments, thereby subjecting the critical defense needs
4 of the United States to geopolitical forces beyond its
5 control.

6 (b) SUBMISSION TO CONGRESS OF REPORT ON THE
7 MANUFACTURING INDUSTRY OF THE UNITED STATES.—

8 (1) SUBMISSION REQUIRED.—The Secretary of
9 Defense shall submit to Congress a report on the
10 manufacturing industry of the United States. Such
11 report shall be submitted as soon as is practicable,
12 but not later than the end of the 180-day period be-
13 ginning on the date of the enactment of this Act.

14 (2) NOTICE OF SUBMISSION.—If before the end
15 of the 180-day period specified in paragraph (1) the
16 Secretary determines that the report required by
17 that paragraph cannot be submitted by the end of
18 such period as required by such paragraph, the Sec-
19 retary shall (before the end of such period) submit
20 to Congress a report setting forth—

21 (A) the reasons why the report cannot be
22 submitted by the end of such 180-day period;
23 and

24 (B) an estimated date for the submission
25 of the report.

1 (3) FORM.—The report under paragraph (1)
2 shall be submitted in an unclassified form, but may
3 include a classified annex. Consistent with the pro-
4 tection of intelligence sources and methods, an un-
5 classified summary of the key judgments of the re-
6 port may be submitted.

7 (4) ELEMENTS.—The report submitted under
8 paragraph (1) shall include the following:

9 (A) An assessment of the current manufac-
10 turing capacity of the United States as it re-
11 lates to the ability of the United States to re-
12 spond to both civilian and defense needs.

13 (B) An assessment of tax, trade, and regu-
14 latory policies as they impact the growth of the
15 manufacturing industry in the United States.

16 (C) An analysis of the factors leading to
17 the increased outsourcing of manufacturing
18 processes to foreign nations.

19 (D) An analysis of the strength of the
20 United States defense industrial base, including
21 the security and stability of the supply chain,
22 and an assessment of the vulnerabilities and
23 weak points of that supply chain.

1 (E) An analysis of the capacity of the civil-
2 ian manufacturing industry to fulfill defense
3 manufacturing needs when necessary.

4 (F) An analysis of the ability of the United
5 States to access necessary raw materials for the
6 defense industry, including rare earth minerals.

7 (G) A quantitative analysis of the position
8 of the United States relative to the global de-
9 fense market.

10 (H) An analysis of the changes in supply-
11 side economics resulting from shifts in
12 globalization trends.

13 (I) An analysis of the vulnerability of the
14 United States defense products that could po-
15 tentially be corrupted by malicious software,
16 such as spyware, malware, and viruses.

17 (J) A quantitative analysis of the risk fac-
18 ing the defense supply chain of the United
19 States and the processes currently in place to
20 manage such risk.

21 (c) PRESIDENTIAL REPORT ON POLICY OBJECTIVES
22 AND UNITED STATES STRATEGY REGARDING THE
23 UNITED STATES MANUFACTURING INDUSTRY.—

24 (1) REPORT REQUIRED.—As soon as is prac-
25 ticable, but not later than 180 days after the date

1 of the enactment of this Act, the President shall
2 submit to Congress a report on—

3 (A) the objectives of United States policy
4 regarding the manufacturing industry of the
5 United States; and

6 (B) the strategy for achieving those objec-
7 tives.

8 (2) FORM.—The report under paragraph (1)
9 shall be submitted in unclassified form, but may in-
10 clude a classified annex.

11 (3) ELEMENTS.—The report submitted under
12 paragraph (1) shall—

13 (A) address the role of diplomacy, incen-
14 tives, sanctions, other punitive measures and in-
15 centives, and other programs and activities re-
16 lating to the manufacturing industry of the
17 United States for which funds are provided by
18 Congress; and

19 (B) summarize United States planning re-
20 garding the range of possible United States ac-
21 tions in support of United States policy objec-
22 tives with respect to the manufacturing indus-
23 try of the United States.



**144. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
TIERNEY OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. TIERNEY OF MASSACHUSETTS**

At the end of subtitle A of title XII of division A
of the bill, add the following:

1 **SEC. 12xx. INTERAGENCY WORKING GROUP ON FOREIGN**
2 **POLICE TRAINING.**

3 (a) **ESTABLISHMENT; DUTIES.**—There is established
4 an interagency working group to monitor the foreign po-
5 lice training programs, projects, and activities of the var-
6 ious Federal departments and agencies and coordinate and
7 unify such programs, projects, and activities under a sin-
8 gle strategic framework.

9 (b) **SENSE OF CONGRESS.**—It is the sense of Con-
10 gress that the interagency working group should establish
11 a strategy to specify the goals of the foreign police training
12 programs, projects, and activities described in subsection
13 (a), the strategies for achieving such goals, and quantifi-
14 able metrics for measuring success. The strategy should
15 also include an interagency mechanism to coordinate the
16 actions of the Federal departments and agencies carrying
17 out such programs, projects, and activities.

18 (c) **MEMBERSHIP.**—

1 (1) IN GENERAL.—The interagency working
2 group shall consist of representatives from the De-
3 partments of Defense, State, Justice, Homeland Se-
4 curity, Treasury, and Energy, the United States
5 Agency for International Development, and the Mil-
6 lennium Challenge Corporation.

7 (2) CHAIRPERSON.—The representative from
8 the Department of Defense shall serve as the chair-
9 person of the interagency working group.

10 (d) REPORT.—The interagency working group shall
11 submit to Congress an annual report on the activities of
12 the interagency working group for the preceding year.



145. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
TIERNEY OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

~~RETURNED BY MR. TIERNEY OF MASSACHUSETTS~~

1 SEC. 965. EXPANSION OF OVERSIGHT OFFICES IN DEPART-
2 MENT OF DEFENSE.

6 (1) by redesignating paragraph (7) as para-
7 graph (8); and

10 “(7) One of the Assistant Secretaries shall be the As-
11 sistant Secretary of Defense for Contingency Contracting.
12 The Assistant Secretary of Defense for Contingency Con-
13 tracting is the principal adviser to the Secretary of De-
14 fense and the Under Secretary of Defense for Acquisition,
15 Technology, and Logistics on matters relating to planning,
16 funding, staffing, and managing contingency contracting
17 of the Department of Defense.”.

(b) REQUIREMENT TO ESTABLISH OFFICE OF CONTINGENCY CONTRACTING.—The Secretary of Defense

1 shall rename and expand the Office of Program Support
2 in the Office of the Under Secretary of Defense for Acqui-
3 sition, Technology, and Logistics as the Office of Contin-
4 gency Contracting. The Office of Contingency Contracting
5 shall be headed by the Assistant Secretary of Defense for
6 Contingency Contracting and shall be responsible for plan-
7 ning, funding, staffing, and managing contingency con-
8 tracting in the Department of Defense.



146. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
TURNER OF OHIO OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. TURNER OF OHIO**

Page 473, line 23, insert "or (4)" after "(2)".

Page 476, after line 8, insert the following:

1 (4) EXCEPTION.—The limitation in paragraph
2 (1)(A) shall not apply with respect to activities de-
3 termined by the Secretary of Defense to be nec-
4 essary to ensure the continued safety, security, and
5 reliability of the nuclear weapons stockpile.

Page 477, strike line 14 and all that follows through
line 17 and insert the following:

6 (2) EXCEPTION.—The limitation in paragraph
7 (1) shall not apply with respect to—
8 (A) the dismantlement of legacy warheads
9 that are awaiting dismantlement on the date of
10 the enactment of this Act or have been des-
11 ignated for retirement by the date of the enact-
12 ment of this Act; or
13 (B) activities determined by the Secretary
14 of Defense to be necessary to ensure the contin-
15 ued safety, security, and reliability of the nu-
16 clear weapons stockpile.

Page 478, line 3, strike “The” and insert “Except as provided by subsection (c), the”.

Page 478, line 21, strike the closed quotation mark and second period.

Page 478, after line 21, insert the following:

1 “(c) EXCEPTION.—Subsection (a) shall not apply
2 with respect to activities determined by the Secretary of
3 Defense to be necessary to ensure the continued safety,
4 security, and reliability of the nuclear weapons stockpile.”.



147. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
TURNER OF OHIO OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. TURNER OF OHIO**

Page 593, line 3, strike “or”.

Page 593, line 15, strike the period and insert “;
or”.

Page 593, after line 15, insert the following:

- 1 (3) the reduction, consolidation, or withdrawal
- 2 of such nuclear forces is—
- 3 (A) pursuant to a treaty or international
- 4 agreement specifically approved with the advice
- 5 and consent of the Senate pursuant to Article
- 6 II, section 2, clause 2 of the Constitution; or
- 7 (B) specifically authorized by an Act of
- 8 Congress.



**148. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
TURNER OF OHIO OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. TURNER OF OHIO**

At the end of subtitle F of title III, add the following new section:

1 **SEC. 3__ . LIMITATION ON OBLIGATION AND EXPENDI-**
2 **TURE OF FUNDS FOR MIGRATION OF MAN-**
3 **AGEMENT OF AIR FORCE ENTERPRISE LOGIS-**
4 **TICS SYSTEMS PROGRAM EXECUTIVE OFFICE**
5 **PENDING COST-BENEFIT ANALYSIS.**

6 Of the funds authorized to be appropriated by this
7 Act or otherwise made available to the Department of De-
8 fense for fiscal year 2012 for procurement or operation
9 and maintenance for the migration to management for the
10 Enterprise Logistics System Program Executive Office by
11 the Department of the Air Force, not more than 10 per-
12 cent may be obligated or expended until the date that is
13 30 days after the date on which the Secretary of Air Force
14 submits to the congressional defense committees a report
15 on the cost-benefit analysis of migrating the management
16 headquarters for the Enterprise Logistics System Pro-
17 gram Executive Office. The report shall address each of
18 the following:

1 (1) The business case analysis supporting the
2 decision.

3 (2) An analysis of alternatives to the decision
4 that were considered.

5 (3) An economic analysis (including a life-cycle
6 cost analysis) of the proposed transition, including a
7 cost-benefit analysis and assessment of sustainment
8 costs.



149. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
TURNER OF OHIO OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

SUBSTITUTE OFFERED BY _____
FOR THE AMENDMENT OFFERED BY MR. TURNER
OF OHIO

Strike section 911 and insert the following new section:

1 **SEC. 911. HARMFUL INTERFERENCE TO DEPARTMENT OF**
2 **DEFENSE GLOBAL POSITIONING SYSTEM.**

3 (a) IN GENERAL.—The Federal Communications
4 Commission shall not lift the conditions imposed on com-
5 mercial terrestrial operations in the Order and Authoriza-
6 tion adopted on January 26, 2011 (DA 11-133), or other-
7 wise permit such operations, until the Commission has re-
8 solved concerns of widespread harmful interference by
9 such commercial terrestrial operations to the Global Posi-
10 tioning System devices of the Department of Defense.

11 (b) NOTICE AND COMMENT ON WORKING GROUP RE-
12 PORT.—Prior to permitting such commercial terrestrial
13 operations, the Federal Communications Commission shall
14 make available the final working group report mandated
15 by such Order and Authorization and provide all inter-
16 ested parties an opportunity to comment on such report.

17 (c) NOTICE TO CONGRESS.—

1 (1) IN GENERAL.—At the conclusion of the pro-
2 ceeding on such commercial terrestrial operations,
3 the Federal Communications Commission shall sub-
4 mit to the congressional committees described in
5 paragraph (2) official copies of the documents con-
6 taining the final decision of the Commission regard-
7 ing whether to permit such commercial terrestrial
8 operations. If the decision is to permit such commer-
9 cial terrestrial operations, such documents shall con-
10 tain or be accompanied by an explanation of how the
11 concerns described in subsection (a) have been re-
12 solved.

13 (2) CONGRESSIONAL COMMITTEES DE-
14 SCRIBED.—The congressional committees described
15 in this paragraph are the following:

16 (A) The Committee on Energy and Com-
17 merce and the Committee on Armed Services of
18 the House of Representatives.

19 (B) The Committee on Commerce, Science,
20 and Transportation and the Committee on
21 Armed Services of the Senate.



150. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
YOUNG OF INDIANA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

Young IN

27

1 SEC. ____ . ~~(LOG #222, BR, MAS_023)~~ REAUTHORIZATION OF
2 AUTHORITY TO USE FUNDS FOR REINTEGRA-
3 TION ACTIVITIES IN AFGHANISTAN.

4 (a) AUTHORITY.—Subsection (a) of section 1216 of
5 the Ike Skelton National Defense Authorization Act for
6 Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4392)
7 is amended by striking “fiscal year 2011” and inserting
8 “fiscal year 2012”.

9 (b) EXPIRATION.—Subsection (e) of such section is
10 amended by striking “December 31, 2011” and inserting
11 “December 31, 2012”.

AK

**151. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WALZ
OF MINNESOTA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES**

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. WALZ OF MINNESOTA**

Page 507, after line 2, insert the following:

1 **SEC. 1078. REPORT ON THE NATIONAL GUARD AND RE-**
2 **SERVE COMPONENTS OF THE ARMED**
3 **FORCES.**

4 (a) **REPORT REQUIRED.**—Not later than 180 days
5 after the date of the enactment of this Act, the Secretary
6 of Defense shall submit to the congressional defense com-
7 mittees a report on the National Guard and the reserve
8 components of the Armed Forces.

9 (b) **MATTERS INCLUDED.**—The report under sub-
10 section (a) shall include a plan to—

11 (1) ensure that each military department has
12 access to trained, experienced, and ready members
13 of the National Guard and reserve components of
14 the Armed Forces for any mission less than war;

15 (2) capitalize on the gains made in the readi-
16 ness of the National Guard and the reserve compo-
17 nents during the previous 10-year period; and

18 (3) ensure the total force is able to sustain
19 commitments throughout the world using the unique
20 skills and capabilities of the National Guard and the

- 1 reserve components in a predictable and consistent
- 2 manner.



152. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
CRAVAACK OF MINNESOTA OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. CRAVAACK OF MINNESOTA**

At the end of subtitle C of title XII of division A
of the bill, add the following:

1 **SEC. 12xx. REPEAL OF UNITED STATES INSTITUTE OF**
2 **PEACE ACT.**

3 Effective as of the date of the enactment of this Act,
4 the United States Institute of Peace Act (title XVII of
5 Public Law 98-525; 22 U.S.C. 4601 et seq.) is repealed.

